

CITY OF TIGARD, OREGON

RESOLUTION NO. 04- 47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD
ACKNOWLEDGING THE WHITE PAPERS RELATED TO THE PROVISION OF URBAN
SERVICES IN THE BULL MOUNTAIN AREA.

WHEREAS, a proposed annexation plan for the Bull Mountain area was previously presented to the City Council; and

WHEREAS, the Council decided to seek more information before making its decision on the proposed annexation plan; and

WHEREAS, Citizens, both of the City and the area proposed to be annexed, have worked together to produce White Papers discussing the provision of urban services; and

WHEREAS, the White Papers (Exhibits A, B, C, and D) are intended to provide information and recommendations to the Council.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Council acknowledges and appreciates the efforts of citizen volunteers in developing the White Papers. The Council recognizes and appreciates the time spent the White Papers by both staff and citizens.

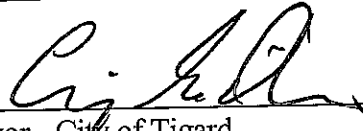
SECTION 2: The Council accepts the White Papers (Exhibits A, B, C, and D) as providing information that will assist the Council.

SECTION 3: The Council notes that the White Papers provide information that will assist the public in evaluating issues and participating in public City processes.

SECTION 4: The City Council is not acting on any of the recommendations in the White Papers at this time. Any actions or decisions will occur in future decisions by the Council relating to the proposed annexation. The Council is not making any decision at this time.

SECTION 5: This resolution is effective immediately upon passage.

PASSED: This 22nd day of June 2004.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

Greer A. Gaston, Deputy City Recorder

RESOLUTION NO. 04 - 47

Bull Mountain Annexation White Paper on Parks and Open Spaces

The purpose of Bull Mountain Subcommittees is to provide additional time for public discussion and review of key benefits of the Bull Mountain Annexation Plan. The objectives of the task forces are:

- Develop an approach for transition of key urban services that occurs through annexation
- Provide additional review for public involvement and discussion
- Develop a strategy for implementation of the Annexation Plan, e.g. funding, planning, etc.

Section One - Summary of public involvement and discussion

- **Task Force membership:**
Carl Switzer, Jerry Hanford, Julie Russell, Mike Freudenthal, Kathy Najdek, & staff: Dennis Koellermeier - Acting Public Works Director, Dan Plaza - Parks Manager, and Chris Wayland - Washington County Support Services (could not attend meetings)
- **Meeting dates:** March 1, March 10, March 19, April 14, April 28
- **Summary of issues raised:**
 1. What financial alternatives are there to secure parks on Bull Mountain? (see attachment #1)
 2. What is the availability of SDC funding during the first five-years after the date of annexation? (see attachment #1)
 3. What impact does the Tualatin Basin's Goal 5 process have on Bull Mountain?
 4. Can a viable Parks Concept Plan be developed after all the residential development that has taken place on Bull Mountain? (see attachment #1)
 5. Can SDC revenue, generated on Bull Mountain during the first 5-years after annexation, be dedicated to securing parks on Bull Mountain?
 6. Can a Moratorium, or Public Facilities Strategy to temporarily stop development until SDCs be imposed? (see attachment #5)
 7. What park property does the City currently own on Bull Mountain? (see attachment #2) Are there potential park sites of one-acre or more on Bull Mountain or surrounding area (UGB area or beyond) available for neighborhood and/or community parks? (see attachment #3)

Section Two - Summary of key impacts of annexation on Bull Mountain residents and Tigard residents:

With or without annexation, the number of people using existing and proposed parks in the City of Tigard area will continue to grow. With annexation, and the implementation of the Bull Mountain Parks Concept Plan, 45-acres of park land could be developed. Without annexation, the need for park land will continue to grow and will only be able to be solved by current City of Tigard residents paying for growth related development. The City of Tigard's Park System Master Plan identifies a standard of 11-acres of park space per 1,000 residents. The City of Tigard currently has 7.8 acres of parks space per 1,000 residents. Bull Mountain currently has 1.8 acres per thousand residents. The ratio of park space acreage to residents will continue to decrease as the population increases and the amount of park space stays the same (see Table 2.1). To rectify this situation the Task Force has developed a Parks Concept Plan (see attachment #1) for the Bull Mountain area. Funding, planning, and timing are discussed in Section Four of this White Paper. If annexation does not occur, an estimated \$2M in potential SDC fees would not be collected over the next 5-years which, if collected, would enable the City to begin implementation of the Parks Concept Plan. The Task Force recommends that SDCs collected on Bull Mountain be spent on Bull Mountain projects. It should be noted that the City has already promised, in the annexation handouts, to use Bull Mountain SDCs on Bull Mountain. The subsequent impact of earmarking SDCs generated on Bull Mountain to Bull Mountain projects could possibly be a slowdown in the completion of park projects scheduled to be constructed within the current City of Tigard (e.g., Jack Park, Northview Park, Summerlake Park).

- **Summary of costs:** \$9-11M (see attachment #1)
- **Summary of benefits:** The Bull Mountain Parks Concept Plan, if and when approved and carried out, will provide not only the current City of Tigard residents, but also the Bull Mountain area residents with the following:
 1. 2+ miles of trails where possible and approved by BPA/PGE, with several "nodal" park sites (see attachments 8, 9, 10), not under BPA/PGE powerlines, but adjacent to the powerlines, totalling approximately 2.5-acres, possibly containing features such as playgrounds, picnic shelters, benches, basketball courts, exercise stations, drinking fountains, rock climbing equipment, wall ball structure, etc.,
 2. A trail system will be installed at the existing 12-acre Cach Creek Nature Park,
 3. Possibly 2 to 3 neighborhood parks each totalling 2- to 3-acres (see attachment 7)
 4. One 20+ acre community/regional park (possibly located in the UGB or beyond).

TABLE 2.1 – NUMBER OF PARK ACRES TO 1,000 POPULATION

	Population	Number of Acres	Ratio of Acres to 1,000 Population
Current City	45,130	351	7.8
City at build-out	54,850	400	7.3
Bull Mtn. current	7,622	14	1.4
Bull Mtn. at build-out	9,850	49	5.0

Section Three - Transition of services

- **Options considered:** N/A - Washington County does not provide park and recreation services to the unincorporated Bull Mountain area nor do they charge a parks SDC. It should be noted that since the City of Tigard and Washington County entered into an IGA to provide urban services in the Bull Mountain area, over \$1,000,000 in potential park SDCs have been lost because the County does not charge a parks SDC.
- **Evaluation criteria:** See Section 4 - Implementation of the Annexation Plan
- **Recommended approach:** See Section 4 - Timing

Section Four - Implementation of the Annexation Plan

- **Recommended strategy for implementation:** The Task Force created the Bull Mountain Parks Concept Plan. Upon annexation the following updates should be completed: Bull Mountain Parks Concept Plan, and the Park System Master Plan, along with the City's Comprehensive Plan.
 - **Funding:** Current projected revenues to be collected on Bull Mountain, if annexed, over the next 5-years are approximately \$2M (see attachment #1). The Bull Mountain Parks Concept Plan projects that land acquisition and park development costs range from \$9M to \$11M. Obviously, projects exceed the amount of available revenue needed to secure adequate parks. One solution is for the City to seek grants to acquire and develop park property. Further, as with Cook Park, a State of Oregon loan can be sought to "jump start" land acquisition and park development on Bull Mountain. It should be noted however, that SDC revenues, along with grants and loans will not totally fund the Bull Mountain Parks Concept Plan. Additional revenues, derived from bond measures and/or tax levies, will need to be considered. If not, it may be necessary to delay and/or cut projects until adequate revenues are found.

- **Planning:** The Task Force created the Bull Mountain Parks Concept Plan. Upon annexation, it is recommended that the Park System Master Plan should be updated within one-year (this would incorporate the Bull Mountain Parks Concept Plan into the Park System Master Plan). Subsequently, update the City's Comprehensive Plan. Julia Hajduk, an Associate Planner for the City of Tigard, discussed the Tualatin Basin's Goal 5 process with the Task Force. Currently, there are open space and natural area resources on Bull Mountain that are being recommended to be classified as strictly limited and/or moderately limited for development. In other words, there are open space and natural areas on Bull Mountain that can be the focus of protection efforts and may be able to be protected by the program that is developed to implement Goal 5.
- **Timing:** Year One's Theme is, "Get Pertinent Plans In Order"
 1. Update the following: SDC Methodology, Park System Master Plan, Bull Mountain Parks Concept Plan, City Comprehensive Plan;
 2. Conduct neighborhood meetings to discuss and finalize plans;
 3. Arrange for trail easements, where possible, with BPA/PGE; and,
 4. Perhaps purchase property early-on to take advantage of availability and cost.

RECOMMENDATIONS:

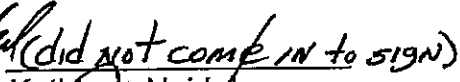
- 1) The City Council should accept and adopt this "white paper" as developed by the Bull Mountain Parks and Open Spaces Task Force.
- 2) The Task Force recognizes that the park acres to population ratio in the Bull Mountain study area is substantially below the existing ratio in the City of Tigard. Because of that, the Task Force recommends that future park SDCs, generated by construction in the Bull Mountain study area, be dedicated to the purchase and development of park lands located in, or near, the study area. It should be noted that it may be wise to purchase property early-on, in years one, two or three, to take advantage of availability and cost. The Task Force also recommends and encourages the City to work closely with METRO to ensure that open spaces and park land are acquired and developed on Bull Mountain.

- 3) Within one-year of annexation, the city should conduct a public process to review and update the attached Bull Mountain Parks Concept Plan and incorporate it into the Park System Master Plan.
- 4) Further explore the moratorium/Public Facilities Strategy methodologies.
- 5) The Task Force highly recommends that the County immediately begin collecting SDCs.


BULL MOUNTAIN PARKS AND OPEN SPACE TASK FORCE


Michael Freudenthal


Jerry Hanford

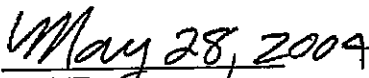
 (did not come in to sign)
Kathleen Najdek


Julie Russell


Carl Switzer


Dennis Koellermeier


Dan Plaza


DATE

Attachments:

1. Bull Mountain Park Concept Plan & 5-year CIP Rev/Exp Projections
2. Publicly/Utility Owned Land on Bull Mountain
3. Privately Owned Land on Bull Mountain
4. Potential BPA Powerline Trail Segments
5. Public Facilities Strategy and Moratorium Memo dtd. 4/8/04
6. Bull Mountain Proposed Park Concept Plan Map
7. Landscape Architect Illustrative Park Plan for 2 or 3-Acre Site
- 8, 9, 10. Artist Sketches of "Nodal" Park Concepts

ATTACHMENT 1

Bull Mountain Parks Concept Plan 5-Year CIP Revenue/Expenditure Projection

Revenues	FY 2004-'05	FY 2005-'06	FY 2006-'07	FY 2007-'08	FY 2008-'09	Total
Permits (SDCs)	270	275	262	254	242	1,303
Revenue	\$412,750	\$420,643	\$400,458	\$388,166	\$369,728	\$1,991,745
+ grants (est.)	50,000	50,000	50,000	50,000	\$945,000	\$1,145,000 +or -
+ possible loans						
TOTAL	\$462,750	\$470,643	\$450,458	\$438,166	\$1,314,728	\$3,136,745 +or -

Expenditures Projects To Be Determined (TBD) During Update of Bull Mountain Parks Concept Plan and Park System Master Plan. When this plan is completed it will require an additional Parks Maintenance FTE.

PARKS & FACILITIES CIP PROJECTS (prioritization TBD)

- 1) BPA Hard Surface Asphalt Trail (10K feet/8' wide) \$1,050,000
 Beef Bend Road to Barrows Road. This project will be very challenging as the terrain varies greatly and there are existing easements that would have to be dealt with. A possible \$945K in MTIP funds may be available in FY '08-'09. \$105K is SDCs for design and engineering. Construction estimate made by City of Tigard.
- 2) BPA Contiguous Small "Nodal" Parks (see attachment)
 - Acquisition 2.5 acres @ \$300K per acre \$750,000
 - Development @ \$150K per acre \$375,000
- 3) Potential Playground at Alberta Rider School \$60,000
- 4) Potential Menlor Water Reservoir Site
 - Acquisition 1.5 acres \$450,000
 - Development \$225,000
- 5) Potential Property North of Alberta Rider School
 - Acquisition 2 acres (possibly 3) \$600,000
 - Development \$300,000
- 6) Develop Cach Creek Nature Park (per PSMP) \$640,000
- 7) Link up to THPRD Progress Ridge Park TBD
SUB-TOTAL \$4,000,000
- 8) Property in UGB or Beyond - 20 acres
 - Acquisition @ \$100,000 per acre \$2,000,000*
 - Acquisition @ \$200,000 per acre \$4,000,000**
 - Development \$3,000,000
- TOTAL** **\$9,000,000* to \$11,000,000****

ATTACHMENT 2

PUBLICLY/UTILITY OWNED LAND (estimated)

<u>Organization</u>	<u>Acres</u>
City of Tigard	13.90 (12-acre Nature Park & water reservoirs)
TTSD	10.71 (building Alberta Rider School on this site)
CWS/TWD	22.69 (13 sites under 1-acre)
PGE	3.01 (linear under power lines)
<u>BPA</u>	<u>14.7 (linear under power lines)</u>
<u>TOTAL</u>	<u>65.01</u>

ID	TAXLOT ID	ACRES OWNER	OWNER ADDRESS	CITY	STATE	ZIPCODE
1	2S1040001500	16.96 TIGARD, CITY OF	13125 SW HALL	TIGARD	OR	97223
2	2S104BB07100	3.56		PORTLAND	OR	97229
3	2S104BC01000	1.89 PORTLAND GENERAL ELECTRIC		PORTLAND	OR	97204
4	2S104CB07200	0.29				00000
5	2S104CB07700	1.55	4248 GALEWOOD ST	LAKE OSWEGO	OR	97035
6	2S104CC02900	0.64	13995 SW HILLSHIRE DR	PORTLAND	OR	97223
7	2S104CC03100	0.85	13998 SW HILLSHIRE DR	TIGARD	OR	97223
8	2S104CC06100	0.56	14464 SW MISTLETOE DR	TIGARD	OR	97224
9	2S105AD03100	1.35	PO BOX 1754	LAKE OSWEGO	OR	97035
10	2S105AD03300	0.64	PO BOX 1754	LAKE OSWEGO	OR	97035
11	2S105DA18000	1.30	4386 SW MACADAM AVE #102	PORTLAND	OR	97239
12	2S105DD02101	1.14	PO BOX 230943	TIGARD	OR	97281
13	2S105DD02200	2.00	13620 SW BEEF BEND RD SP 21	TIGARD	OR	97224
14	2S105DD07200	0.22	4386 SW MACADAM AVE #102	PORTLAND	OR	97239
15	2S108AA01700	1.17	PO BOX 981	SHERWOOD	OR	97140
16	2S109BB02901	3.01 PORTLAND GENERAL ELECTRIC	121 SW SALMON ST	PORTLAND	OR	97204
17	2S109BC04600	0.55	14400 SW BULL MOUNTAIN RD	TIGARD	OR	97224
18	2S109BC04602	0.64	14515 SW 144TH	TIGARD	OR	97224
19	2S109BC04700	0.71	14555 SW 144TH AVE	PORTLAND	OR	97224
20	2S109BC04800	0.70	14595 SW 144TH	TIGARD	OR	97224
21	2S109BC04900	0.70	14635 SW 144TH AVE	TIGARD	OR	97224
22	2S109BC05000	0.70	14675 SW 144TH ST	TIGARD	OR	97223
23	2S109BC05100	0.70	14715 SW 144TH	TIGARD	OR	97224
24	2S109BC05200	0.70	14755 SW 144TH	TIGARD	OR	97224
25	2S109BC05300	0.69	14795 SW 144TH	TIGARD	OR	97223
26	2S109BC05400	0.96	14855 SW 144TH	TIGARD	OR	97224
27	2S109BC05600	0.71	14880 SW 144TH	TIGARD	OR	97223
28	2S109BC07000	8.93 BONNEVILLE POWER	ADMINISTRATION	PORTLAND	OR	97232
29	2S109BC07000	0.43 BONNEVILLE POWER	ADMINISTRATION	PORTLAND	OR	97232
30	2S109BC07000	3.60 BONNEVILLE POWER	ADMINISTRATION	PORTLAND	OR	97232
31	2S109BC07000	2.63 BONNEVILLE POWER	ADMINISTRATION	PORTLAND	OR	97232
32	2S109BC07000	3.59 BONNEVILLE POWER	ADMINISTRATION	PORTLAND	OR	97232
33	2S109BC07000	0.88 BONNEVILLE POWER	ADMINISTRATION	PORTLAND	OR	97232
34	2S109CB00200	2.98	14950 SW 144TH AVE	PORTLAND	OR	97224
35	2S109CB02900	3.88	ADMINISTRATION	PORTLAND	OR	97232
36	2S109CB03000	0.74	14880 SW 144TH	TIGARD	OR	97223

NOTE: This information reflects the conditions on March 4th 2004

37	2S109CB03100	1.42	14860 SW 144TH AVE	TIGARD	OR	97224
38	2S109CB03200	3.74	14840 SW 144TH	TIGARD	OR	97224
39	2S109CB16200	0.43	4230 GALEWOOD	LAKE OSWEGO	OR	97035
40	2S109CB16300	2.09	4230 GALEWOOD	LAKE OSWEGO	OR	97035
41	2S109CD02900	0.96	15734 SE 44TH PL	BELLEVUE	WA	98006
42	2S109CD03100	1.23	4380 SW MACADAM, SUITE 380	PORTLAND	OR	97239
43	2S109CD03200	1.71	4380 SW MACADAM, SUITE 380	PORTLAND	OR	97239
44	2S109CD10100	0.76	9375 SW COMMERCE CIR #7	WILSONVILLE	OR	97070
45	2S116B000102	29.81	9500 SW BARBUR BLVD #220	PORTLAND	OR	97219

NOTE: This information reflects the conditions on March 4th 2004

ATTACHMENT 4

POTENTIAL BPA POWERLINE TRAIL SEGMENTS

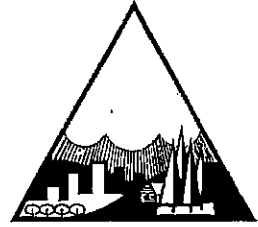
From North to South

- 1) Barrows to Birkshire = Go To Existing Northview Park
- 2) Mistletoe Dr. to Bull Mountain Road (#'s 6, 7, 8) .5 acre
- 3) Bull Mountain Road to 144 Avenue (#'s 17-26) 1 acre
- 4) 144 Avenue to Woodhue (#'s 36, 37) .5 acre
- 5) Woodhue to Beef Bend Road (#'s 39, 41) .5 acre

TOTAL ACRES 2.5 ACRES

ATTACHMENT 5

MEMORANDUM



TO: Dennis Koellermeier

FROM: Dan Plaza

RE: "Public Facilities Strategy" & "Moratoriums"

DATE: April 8, 2004

On March 10 the Bull Mountain Parks and Open Space Task Force raised a question as to "the City Council adopting a 'Public Facilities Strategy' (ala Wilsonville) that would freeze growth until the election could take place and SDC's would be collected". Staff was asked to research the matter and report back to the Task Force on April 14.

The "Public Facilities Strategy" and "Moratorium" processes are lengthy and complex. It is anticipated that the Task Force will recommend to the Council via the "white paper" how to proceed. The following information was collected on this matter:

The City of Wilsonville, Oregon, went through this process a few years ago and input was requested from them. The following was received on March 24.

"If you are aware of Oregon's moratorium laws regarding limiting development due to the lack of infrastructure, the "Public Facility Strategy" is the vehicle by which the needed infrastructure can be provided while suspending additional demands on the system. This suspension has a limitation of (2) years. Take our situation here in Wilsonville a few years back with our water supply. We placed a temporary limit on new building permits until we had the ability to supply additional water through the construction of the new treatment plant. This particular strategy was in place for about (2) years. We have used a similar strategy in providing transportation improvements. In fact, we will be employing a new one for transportation in the next few months."

Further information on this matter was requested from Barbara Shields, who commented as follows.

"This is my response to your question. This is not a legal opinion, just a general description of the issues. Moratoriums are complex processes and are controlled by a specific set of state statutes that must be strictly followed, as required by ORS 197.520. If needed, we can consider a legal opinion from our city attorney to clarify some the recent moratorium cases before you get back to the subcommittee."

"In general, the following factors need to be considered in the context of the Bull Mountain situation:

- 1. It has to be a sufficient reason for a moratorium. The involved local government must show "irrevocable public harm." In Wilsonville's case, they could demonstrate this by showing that they were out of water. The "irrevocable public harm" criterion would have to be applied to the Bull Mountain situation. Also, as indicated in the statute,*

regardless the "irrevocable public harm" criterion, the local government would have to develop a number of other legal findings, which are very specific and try to strike a balance between the needed housing and capacity of existing facilities, and a moratorium as a means to accomplish this balance.

2. *Timeline to process a moratorium. The process requires a 45-day notice to the Department of Land Conservation and Development. It can be appealed to LUBA (Land Use Board of Appeals), which would further impact the timeline.*
3. *Jurisdiction. The Board of Commissioners would have to act and follow the formalized state law process."*

This issue was discussed with the City Attorney, Gary Firestone, and he has concluded the following:

"As far as moratoria are concerned, "public facilities" is defined as those public facilities for which a public facilities plan is required by ORS 197.712, ORS 197.712 requires public facilities plans for sewer, water, and transportations, but not other services. Therefore, parks aren't "public facilities" for the purposes of the moratorium statute, and a moratorium cannot be declared because of an insufficiency of parks.

It is less clear whether a park is a public facility for the purposes of the public facilities statute. That statute (ORS 197.768) does not expressly state what constitutes a public facility. However, a public facilities strategy may justify a denial of permits for lack of public facilities under ORS 197.524. As used in ORS 197.524, "public facilities" is limited to streets, water, and sewer. It is possible that a court could conclude that a public facilities strategy cannot justify a denial unless the public facilities strategy is directed at water, sewer, or streets. It is also possible that LUBA or a court could find that a lack of parks is not a sufficient reason to deny or delay development."

In my conversation with the City Attorney we did conclude that if this strategy were to be applied:

- the County should do it in the unincorporated area
- it is a multi-month process to implement, at best
- we should anticipate considerable challenge to the approach, which would more than likely delay any implementation date to far past the proposed election date

We have also requested information on this issue from the Land Conservation and Development Commission (LCDC). When that material arrives, we will amend this memo if needed.

Attachments:

- ORS 197.520 – Manner of Declaring Moratorium
- ORS 197.768 – Public Facilities Strategy

MORATORIUM ON CONSTRUCTION OR LAND DEVELOPMENT

197.520 Manner of declaring moratorium. (1) No city, county or special district may adopt a moratorium on construction or land development unless it first:

(a) Provides written notice to the Department of Land Conservation and Development at least 45 days prior to the final public hearing to be held to consider the adoption of the moratorium;

(b) Makes written findings justifying the need for the moratorium in the manner provided for in this section; and

(c) Holds a public hearing on the adoption of the moratorium and the findings which support the moratorium.

(2) For urban or urbanizable land, a moratorium may be justified by demonstration of a need to prevent a shortage of public facilities which would otherwise occur during the effective period of the moratorium. Such a demonstration shall be based upon reasonably available information, and shall include, but need not be limited to, findings:

(a) Showing the extent of need beyond the estimated capacity of existing public facilities expected to result from new land development, including identification of any public facilities currently operating beyond capacity, and the portion of such capacity already committed to development;

(b) That the moratorium is reasonably limited to those areas of the city, county or special district where a shortage of key public facilities would otherwise occur; and

(c) That the housing and economic development needs of the area affected have been accommodated as much as possible in any program for allocating any remaining public facility capacity.

(3) A moratorium not based on a shortage of public facilities under subsection (2) of this section may be justified only by a demonstration of compelling need. Such a demonstration shall be based upon reasonably available information and shall include, but need not be limited to, findings:

(a) For urban or urbanizable land:

(A) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;

(B) That the moratorium is sufficiently limited to ensure that a needed supply of affected housing types and the supply of commercial and industrial facilities within or in proximity to the city, county or special district are not unreasonably restricted by the adoption of the moratorium;

(C) Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;

(D) That the city, county or special district has determined that the public harm which would be caused by failure to impose a moratorium outweighs the adverse effects on other affected local governments, including shifts in demand for housing or economic development, public facilities and services and buildable lands, and the overall impact of the moratorium on population distribution; and

(E) That the city, county or special district proposing the moratorium has determined that sufficient resources are available to complete the development of needed interim or permanent changes in plans, regulations or procedures within the period of effectiveness of the moratorium.

(b) For rural land:

(A) That application of existing development ordinances or regulations and other applicable law is inadequate to prevent irrevocable public harm from development in affected geographical areas;

(B) Stating the reasons alternative methods of achieving the objectives of the moratorium are unsatisfactory;

(C) That the moratorium is sufficiently limited to ensure that lots or parcels outside the affected geographical areas are not unreasonably restricted by the adoption of the moratorium; and

(D) That the city, county or special district proposing the moratorium has developed a work plan and time schedule for achieving the objectives of the moratorium.

(4) No moratorium adopted under subsection (3)(a) of this section shall be effective for a period longer than 120 days, but such a moratorium may be extended provided the city, county or special district adopting the moratorium holds a public hearing on the proposed extension and adopts written findings that:

(a) Verify the problem giving rise to the need for a moratorium still exists;

(b) Demonstrate that reasonable progress is being made to alleviate the problem giving rise to the moratorium; and

(c) Set a specific duration for the renewal of the moratorium. No extension may be for a period longer than six months.

(5) Any city, county or special district considering an extension of a moratorium shall give the department at least 14 days' notice of the time and date of the public hearing on the extension. [1980 c.2 §3; 1991 c.839 §3; 1995 c.463 §3]

ORS 197.768 Public Facilities Strategy

Relating to public facilities strategy; creating new provisions; and amending ORS 197.768, 221.035 and 454.655.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 197.768 is amended to read:

197.768. (1) As used in this section, "special district" has the meaning given that term in ORS 197.505.

~~[(1)]~~ (2)(a) A local government or special district may adopt a public facilities strategy *[as described in subsection (2) of this section. A public facilities strategy may be implemented if it]* if the public facilities strategy:

~~[(a)(A)]~~ (A)(i) Is acknowledged under ORS 197.251; or

~~[(B)]~~ (ii) Is approved by the Land Conservation and Development Commission under ORS 197.628 to 197.650; and

~~[(b)]~~ (B) Meets the requirements of *[subsection (2) of]* this section.

(b) If a special district seeks to implement a public facilities strategy, that special district is considered a local government for the purposes of ORS 197.251 and 197.628 to 197.650.

~~[(2)]~~ (3) A local government or special district may adopt a public facilities strategy *[adopted under subsection (1) of this section shall]* only if the local government or special district:

[(a) Include a statement of purpose that limits the public facilities strategy to situations in which clear and objective standards demonstrate that:]

[(A) There is a rapid increase in land development in a specific geographical area; and]

[(B) The total land development would exceed the planned or existing capacity of public facilities;]

[(b) Include a detailed description of actions and practices a local government may engage in to control the time and sequence of development approvals in response to the identified deficiencies in public facilities; and]

[(c) Set forth the procedures, notice and findings that allow the local government to proceed under this section.]

(a) Makes written findings justifying the need for the public facilities strategy;

(b) Holds a public hearing on the adoption of a public facilities strategy and the findings that support the adoption of the public facilities strategy; and

(c) Provides written notice to the Department of Land Conservation and Development at least 45 days prior to the final public hearing that is held to consider the adoption of the public facilities strategy.

(4) At a minimum, the findings under subsection (3) of this section must demonstrate that:

(a) There is a rapid increase in the rate or intensity of land development in a specific geographic area that was unanticipated at the time the original planning for that area was adopted or there has been a natural disaster or other catastrophic event in a specific geographic area;

(b) The total land development expected within the specific geographic area will exceed the planned or existing capacity of public facilities; and

(c) The public facilities strategy is structured to ensure that the necessary supply of housing and commercial and industrial facilities that will be impacted within the relevant geographic area is not unreasonably restricted by the adoption of the public facilities strategy.

(5) A public facilities strategy shall include a clear, objective and detailed description of actions and practices a local government or special district may engage in to control the time and sequence of development approvals in response to the identified deficiencies in public facilities.

(6) A public facilities strategy shall be effective for no more than 24 months after the date on which it is adopted, but may be extended, subject to subsection (7) of this section, provided the local government or special district adopting the public facilities strategy holds a public hearing on the proposed extension and adopts written findings that:

(a) Verify that the problem giving rise to the need for a public facilities strategy still exists;

(b) Demonstrate that reasonable progress is being made to alleviate the problem giving rise to the need for a public facilities strategy; and

(c) Set a specific duration for the extension of the public facilities strategy.

(7)(a) A local government or special district considering an extension of a public facilities strategy shall give the department notice at least 14 days prior to the date of the public hearing on the extension.

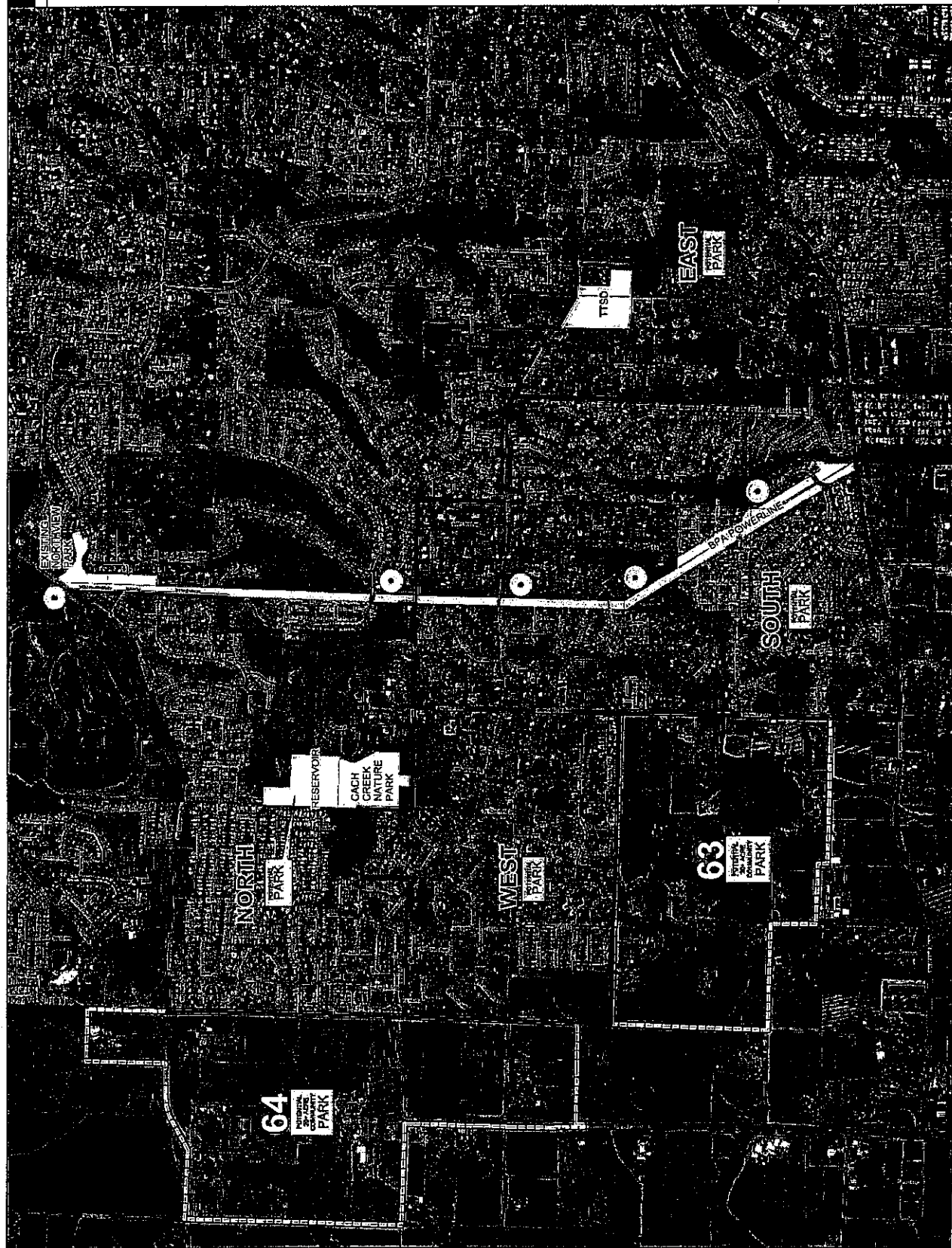
(b) A single extension may not exceed one year, and a public facilities strategy may not be extended more than three times.

SECTION 2. The amendments to ORS 197.768 by section 1 of this 2001 Act apply to public facilities strategies adopted before, on or after the effective date of this 2001 Act.

Bull Mountain Proposed Park Concept Plan

- Legend**
- Nodal Recreation Areas (25 to 1 acre)
(Playgrounds, Softball Courts, Soccer, Landscaping)
 - 2-3 Acre Neighborhood Parks
(Playgrounds, 8 Ball Courts, Soccer, Landscaping)
 - Bull Mountain Sub-Areas
 - UGB Expansion Silers
 - Potential Location of 20+ acre
Community / Regional Park in
UGB or beyond
 - PARK**
20+ Acre
Community
Regional
PARK

ATTACHMENT 6

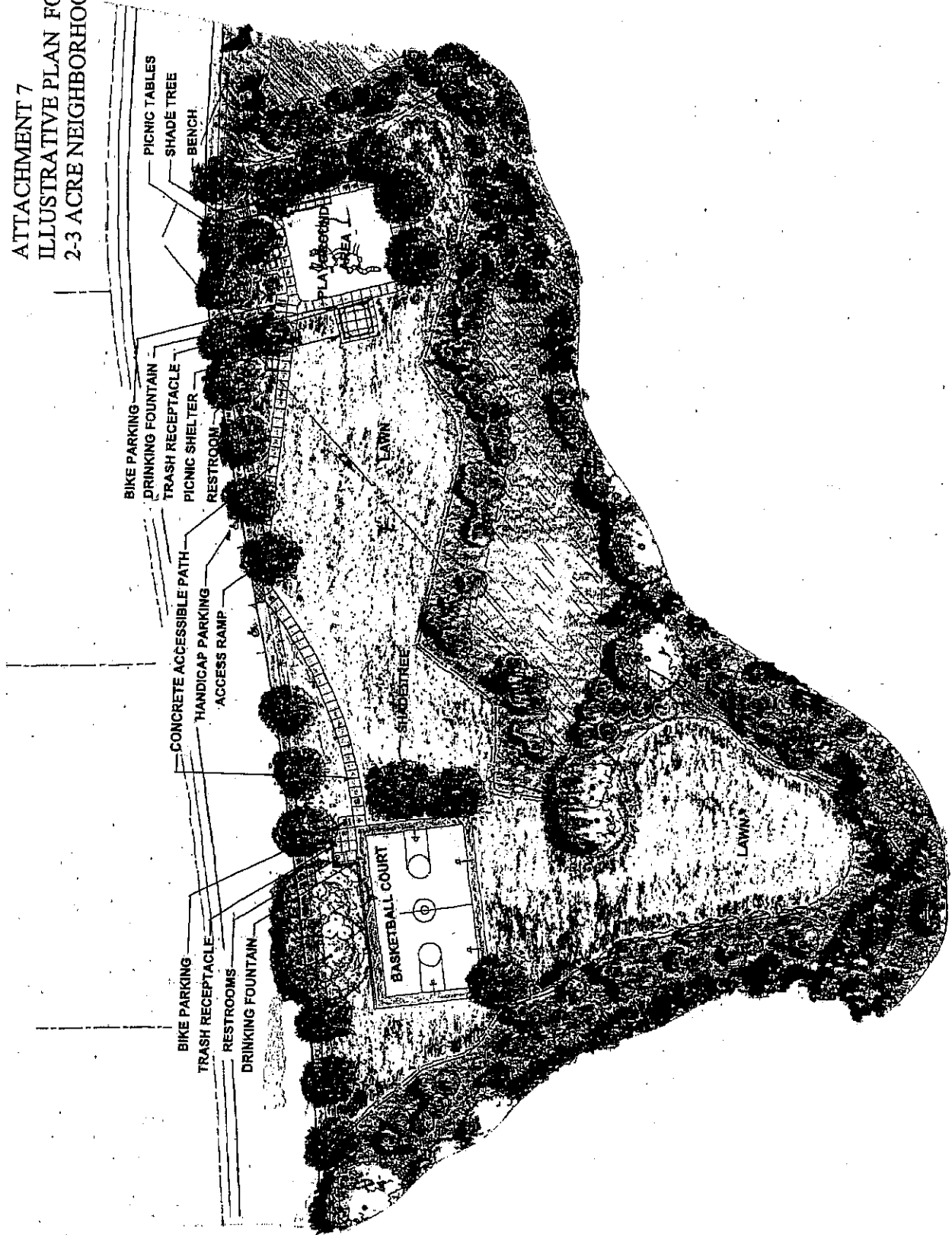


City of Tigard

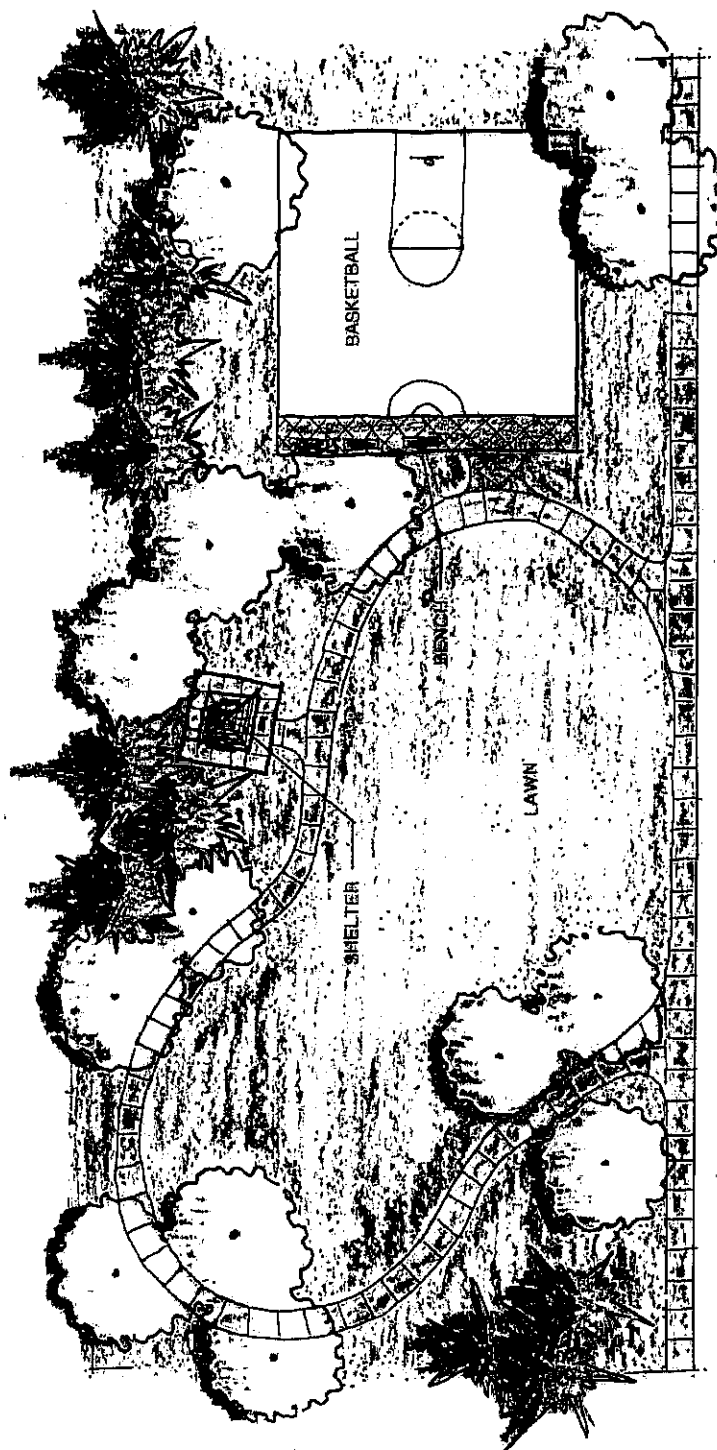
640 320 0 640 Feet

This map was derived from licensed data sources. The City does not warrant the accuracy of this map. The City does not accept any liability for errors or omissions.

ATTACHMENT 7
 ILLUSTRATIVE PLAN FOR
 2-3 ACRE NEIGHBORHOOD PARK



ATTACHMENT 8
ILLUSTRATIVE PLAN FOR "NODAL" PARK
OPTION A

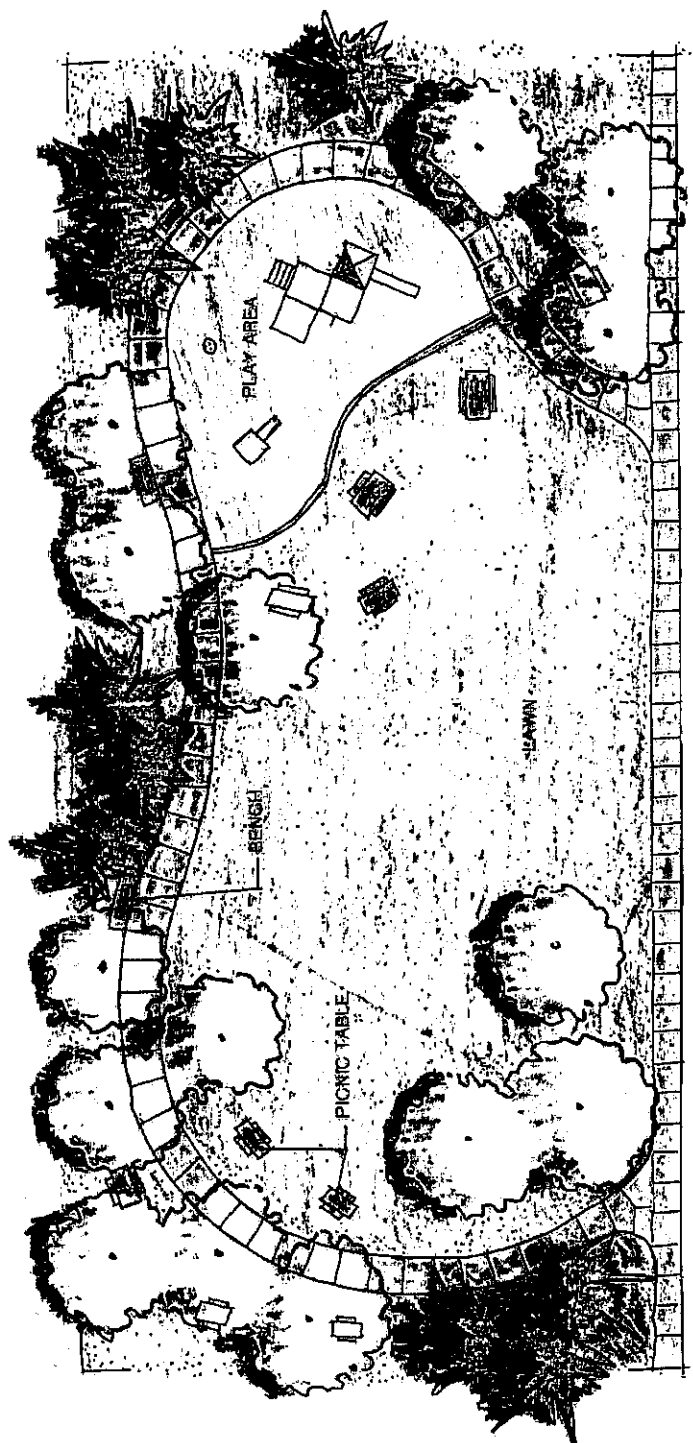


PARK - OPTION A

SCALE 1" = 20'-0"



ATTACHMENT 9
ILLUSTRATIVE PLAN FOR "NODAL" PARK
OPTION B



PARK - OPTION B

SCALE 1" = 20'-0"



Bull Mountain Annexation White Paper on Planning

The purpose of the Bull Mountain Subcommittees is to provide additional time for public discussion and review of key benefits of the Bull Mountain Annexation Plan.

The objectives of the subcommittees are:

- Develop an approach for transition of key urban services that occurs through annexation
- Provide additional review for public involvement and discussion
- Develop a strategy for implementation of the Annexation Plan, e.g. funding, planning, etc.

The Planning Subcommittee met 6 times in meetings that were open to the public. Notice was provided on the City web page indicating the time and location of the meetings. Meeting minutes were also posted on the web page. All meetings were held in the Ash Creek Conference Room at City Hall. The draft white paper was reviewed at the meeting on May 12, 2004. The revised draft was reviewed and finalized on May 26, 2004.

Section One

Summary of public involvement and discussion

▪ Subcommittee membership:

Gretchen Buehner, City of Tigard resident, Planning Commissioner
Kathy Meads, City of Tigard resident, Planning Commissioner
Rebecca Vonada, City of Tigard resident
Ellen Beilstein, Unincorporated Washington County resident
Stuart Byron, Unincorporated Washington County resident
Teddi Duling, Unincorporated Washington County resident

▪ Staff:

Jim Hendryx, City of Tigard Director of Community Development
Barbara Shields, City of Tigard Planning Manager
Joanne Rice, Washington County DLUT

Subcommittee members worked cooperatively in developing the White Paper. Recommendations were developed by consensus. Recommendations came from the citizens on the committee with input on wordage and process from the staff representatives.

▪ Meeting dates:

March 10; March 31; April 21; April 28; May 12; May 26, 2004

Summary of issues raised:

- The Washington County Bull Mountain Community Plan is out of date and needs to be updated. The County has no plans to update their Comprehensive

Plan, including the Bull Mountain Community Plan. The County will continue to make periodic changes to elements of the Comprehensive Plan to comply with mandatory Federal, State, and Regional requirements.

- The City of Tigard's Comprehensive Plan is out of date and needs to be updated. The Planning Commission is currently working on a schedule for updating the City's Comprehensive Plan. Once begun, this process may take up to 3 years to complete. Recommend budgeting additional resources to expedite the process.
- With annexation, Bull Mountain would be included with the update of the Tigard Comprehensive Plan. Areas 63 and 64 should be included with this process.
- The Comprehensive Plan update, including Bull Mountain and areas 63 and 64, must be through an open and public process led by the City of Tigard.
- The subcommittee recommends development and implementation of a design review process, possibly including design standards, to assure compatibility of new development with the unique characteristics of existing neighborhoods. Time is of the essence and the implementation of this process could be completed prior to, or in conjunction with, the Comprehensive Plan update.
- The subcommittee recommends that Tigard pursue a public facility strategy/moratorium or other measures to slow or stop growth until the Comprehensive Plan is updated.
- Prior to the Comprehensive Plan update, the subcommittee recommends that Tigard amend its development standards to prohibit density transfers for properties, including natural resources, as one way to address citizen concerns about density. Tigard has appointed a review committee to look at the Planned Development process which will consider density transfers. The committee is reviewing and will recommend changes to the Planned Development section of the Community Development Code to the Planning Commission and City Council.
- The subcommittee recognizes that the issues facing Bull Mountain are similar to those facing the rest of the community. To that end, the subcommittee developed a list of likes, dislikes, and the future that they would like to see with development (Attachment A). This list further identifies issues raised by the subcommittee.

Section Two

Summary of key impacts of annexation on Bull Mountain residents and Tigard residents:

Subcommittee members recognize that some growth is inevitable and will continue throughout the community and in particular on Bull Mountain. Current growth is causing change in neighborhood character and the sense of community. Subcommittee members are concerned about the type of development that is occurring throughout the community, particularly dense, small lot, residential development that is not consistent with the character of existing neighborhoods.

The Comprehensive Plans for Washington County and Tigard were completed in the mid-80's. The subcommittee is unanimous about the need to update the Comprehensive Plans for the City and Unincorporated Bull Mountain. While both plans meet State and regional planning requirements, they need to be updated to reflect current values and concerns of the community.

Washington County does not have the resources to update the Bull Mountain Community Plan. Tigard recognizes that their Comprehensive Plan should be updated and has started discussions with the Planning Commission on a potential schedule. It is recognized that any update to Tigard's efforts should include the entire community, including all of Bull Mountain, if annexed. Consideration should also be given to include any areas included in the Urban Growth Boundary Expansion immediately adjacent to Bull Mountain (Areas 63 & 64). However, there is concern about the amount of time it will take to update the plan and the resulting growth that will occur before the update is complete. Subcommittee members expressed a need to slow development until the plan is updated or focus resources to shorten the amount of time it takes to complete the plan update.

The subcommittee agreed to the following policy statements that will go forward in the White Paper:

- The City of Tigard's Comprehensive Plan is out of date and needs to be updated. The Planning Commission is currently working on a schedule for updating the City's Comprehensive Plan. Once begun, this process may take up to 3 years to complete. Recommend budgeting additional resources to expedite the process.
- The Washington County Bull Mountain Community Plan is also out of date and needs to be updated. The County has no plans to update the Comprehensive Plan, including the Bull Mountain Community Plan.
- With annexation, Bull Mountain would be included with the update of the Tigard Comprehensive Plan. Areas 63 and 64 should be included with this process.
- The subcommittee recommends that Tigard pursue a public facility strategy/moratorium or other measures to slow or stop growth until the Comprehensive Plan is updated.
- The subcommittee recommends that Tigard adopt interim steps to not allow density transfers for properties, including natural resources. Tigard has appointed a review committee to look at the Planned Development process which will consider density transfers. The committee will review and recommend changes to the Planned Development section of the Community Development Code.

The subcommittee recognizes that the issues facing Bull Mountain are similar to those facing the rest of the community. To that end, the subcommittee developed a list of likes, dislikes, and the future that they would like to see with development (Attachment A). This list should be used as a starting point for updating the City's Comprehensive Plan and in engaging the entire community on how the community should continue to grow.

Subcommittee members enjoy their community and feel connected with their neighbors. However, the pace and type of development, with higher densities and incompatible building design, is changing the character of established neighborhoods. The Comprehensive Plan update, if completed in a timely manner, provides an opportunity to shape a future for Bull Mountain and the rest of the community that is different from what is developing under current land use standards.

There is a need for an updated plan for Bull Mountain, regardless of whether annexation occurs. Annexation affords the opportunity to plan for the entire community. Without annexation, Tigard lacks the authority and need to plan for unincorporated Bull Mountain and/or the Urban Growth Boundary expansion areas (areas 63 & 64).

Summary of costs:

No effort has been made to establish what the additional costs will be to provide comprehensive planning services to unincorporated Bull Mountain. The area totals 1400 – 1900 acres, depending on inclusion of the Urban Growth Boundary expansion areas (areas 63 & 64). This represents approximately 20% - 25% of the existing City limits. It would be reasonable to assume that costs associated with the Comprehensive Plan update would increase by a proportionate amount.

When property is developed, within areas 63 and 64, the property owner/developer could be assessed a fee to offset the City's costs associated with developing a Comprehensive Plan for those areas because it directly benefits those areas. The City should be responsible for the cost to update the Comprehensive Plan for City properties and urban, unincorporated properties in Bull Mountain because these areas are mostly developed.

Summary of benefits:

Annexation provides the opportunity to include the Bull Mountain area with the update of the Tigard Comprehensive Plan; otherwise, it will not be done by the City and the County has no plans to do so. Including adjacent Urban Growth Boundary areas (areas 63 & 64) provides more opportunities to consider the needs of densities, housing, open spaces, etc., throughout the entire community.

Section Three

Transition of services

- Options considered: The City would assume long range planning responsibilities with annexation. Timing of the November election, budgeting decisions, and actual annexation occurring the following July, would allow consideration of the Bull Mountain area and areas 63 & 64 in the work program for the Comprehensive Plan update. Other options were not considered. The City lacks authority to provide for long range planning services to unincorporated Bull Mountain and/or areas 63 & 64. Annexation of portions of Bull Mountain to King City was not considered by this subcommittee.
- Evaluation criteria: After receiving a detailed background on Oregon's Land Use Planning program and an overview of Washington County and Tigard's Comprehensive Plans, the subcommittee developed a list of their likes, dislikes, and the future development trends. From this list, the subcommittee evaluated what was the best approach to address this list of concerns and desires. Tigard has started discussions to update the Comprehensive Plan. Annexation provides the opportunity to address the planning needs for unincorporated Bull Mountain, areas 63 & 64, and the rest of the City.
- Recommended approach:
- With annexation, initiate the Comprehensive Plan update and include unincorporated Bull Mountain.
- Finalize an Intergovernmental Agreement between Tigard and Washington County to transfer Comprehensive Plan authority for areas 63 & 64.

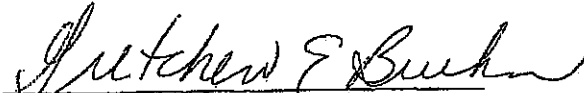
Section Four


Implementation of the Annexation Plan


- Recommended strategy for implementation:
 - The City of Tigard needs to commit to updating the Comprehensive Plan as soon as possible. Recommend Council approve a work program for updating the Comprehensive Plan by July 2005, including Bull Mountain and areas 63 & 64 to begin implementation in 2005-06. The Plan update should be through an open and public process.
 - Annexation of unincorporated Bull Mountain provides the opportunity to plan for the entire community with the update of Tigard's Comprehensive Plan. Areas 63 & 64 should also be included in this effort. An IGA between Washington County and Tigard is necessary to transfer comprehensive planning authority.
 - Recommend Council pursue a public facility strategy/moratorium or other measures to slow or stop growth until the Comprehensive Plan is updated.
 - Tigard has appointed a review committee to look at the Planned Development process which will consider density transfers. Once the Planned Development Review Committee completes its review, recommend the Planning Commission and City Council adopt interim

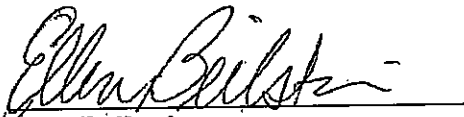
- steps to not allow density transfers for properties, including natural resources.
- The subcommittee recommends development and implementation of a design review process, possibly including design standards, to assure compatibility of new development with the unique characteristics of existing neighborhoods. Time is of the essence and the implementation of this process could be completed prior to, or in conjunction with, the Comprehensive Plan update.
- Consider the list of likes, dislikes, and the future that the committee would like to see with development (Attachment A). This should be considered in conjunction with the Comprehensive Plan update.
- Funding:
 - Long range planning is funded through the general fund. City should pursue grant funding for this effort. Funding separately should also be considered for areas 63 & 64, including property owner participation.
- Planning:
 - The City of Tigard needs to commit to updating the Comprehensive Plan as soon as possible. Recommend Council approve a work program for updating the Comprehensive Plan by July 2005, including Bull Mountain and areas 63 & 64 to begin implementation in 2005-06. The Plan update should be through an open and public process.
 - When property is developed, within areas 63 and 64, the property owner/developer could be assessed a fee to offset the City's costs associated with developing a Comprehensive Plan for those areas because it directly benefits those areas. The City should be responsible for the cost to update the Comprehensive Plan for City properties and urban, unincorporated properties in Bull Mountain because these areas are mostly developed.
- Timing:
 - Council to approve a work program for updating the Comprehensive Plan by July 2005, including Bull Mountain and areas 63 & 64 to begin implementation in 2005-06.
 - Tigard City Council should pursue a public facility strategy/moratorium or other measures to slow or stop growth until the Comprehensive Plan is updated.
 - Tigard has appointed a review committee to look at the Planned Development process which will consider density transfers. The committee will review and recommend changes to the Planned Development section of the Community Development Code. Once the Planned Development Review Committee completes its review, the Planning Commission and City Council should adopt interim steps to not allow density transfers for properties, including natural resources.

Signatures:


Gretchen Buchner



Kathy Meads

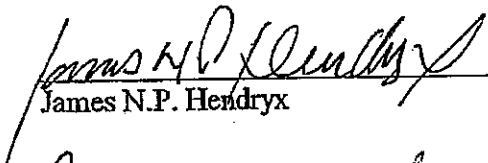

Rebecca Vonada



Ellen Beilstein

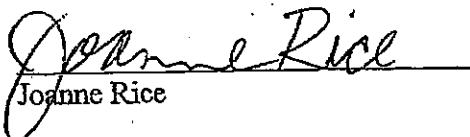
Stuart Byron

NOTE: Mr. Byron attended one subcommittee meeting; he was excused from the other five meetings. He was out of town on June 1, 2004 and unable to sign the White Paper document.


Teddi Duling


James N.P. Hendryx


Barbara Shields


Joanne Rice

Bull Mountain Planning Subcommittee Attachment A

Likes

Under **Likes**, the main thrust is that the residents enjoy a high quality of life based on the services they receive and the overall feel of the area. As such, they desire to keep the status quo.

Housing

- Well maintained homes
- Good property values
- High percentage of owner occupants
- Safe neighborhood
- Aesthetically appealing, views, attractive physical setting
- Various size properties
- Good home stock
- Views
- Reasonably good mix of residents - young to old, family atmosphere

Services

- Good services: police, trash, water, sewer, fire
- Good local grade school
- Good quality of life
- Low tax rate
- Support of local service expansion (library)
- Quiet
- Low crime rate
- No heavy industry or distasteful areas nearby
- Trees
- Dedicated greenways in neighborhoods built in city

Miscellaneous

- Active neighborhood watch and HOAs
- Close to farm/agricultural area
- Centrally located to Beaverton, Tigard, Tualatin and Sherwood

Bull Mountain Planning Subcommittee

Attachment A

Dislikes

As to **Dislikes**, it is apparent that the prospect of overdeveloping the Bull Mountain area goes against the above qualities that the current residents strongly support. A common thread under **Dislikes** seems to be the rising cost of land, housing and infrastructure (including roads, parks and sewers). What the City of Tigard must do is reassure the present homeowners that what the City can offer is substantially better than what the Bull Mountain residents have now or can anticipate receiving in the near future.

Identity

- No sense of neighborhood
- Lack of master plan for development of area
- Lacks community feel - "no center," no character or identity
- Houses too close together
- Lack of neighborhood feel
- Lack of community planning
- Planning/Development
- Unsightly development
- Development: Increased services
- Development: Increasing prices
- Developers building high density homes on too small lots
- Some of the new developments are too homogenous - not enough design variety
- Residents may feel left out of the development process on Bull Mountain
- Lack of affordability in housing
- Developers cutting down too many trees and not being required to leave green spaces or walking paths
- Over-widening of streets
- Do not stick to zoning - density transfer
- Lack of infrastructure (sewer, storm, quality roads)
- Lack of trees in new developments
- Over-widening of streets

Commercial

- Lack of commercial area
- Lack of commitment to area by County Government
- Commercial development right up to streets (require landscape barriers)
- No local conveniences - e.g., small market, bakery, coffee shop, small restaurant

Bull Mountain Planning Subcommittee Attachment A

Parks

- None to date
- Price of land increasing
- No money for maintenance
- No close-in neighborhood amenities such as parks, walking paths, bike paths
- Street "parks" that are unusable public space
- Lack of parks and trails
- Location of parks

Traffic/Public Transit

- Increasing
- No connectivity
- Have to travel on congested Hwy. 99 to get anywhere. No freeway close, poor commute to downtown Portland.
- Speeding through residential neighborhoods
- Lack of public transit
- Beef Bend Road and Bull Mountain Road can be dangerous for walkers and bicyclists. Need more pedestrian-friendly areas.
- Lack of connectivity
- No nearby public transit
- Lack of connected street grids to relieve traffic burden
- Local roads becoming too crowded due to over-development

Bull Mountain Planning Subcommittee Attachment A

Future

Planning

- Protection of existing views
- Home delivery of mail (not centralized boxes in a development)
- Underground utilities (esp. on Bull Mountain Road)
- Incentives and disincentives for maintaining property
- Small commercial center on top of Bull Mountain
- Incentives not to subdivide
- Commercial area for local residences
- Coordinated planning
- Most undeveloped areas seem to have a limitless density potential. Can this be capped?
- No multi-family units (except perhaps by proposed commercial center on top of Bull Mountain)
- No "forced" affordable housing
- A minimum of 20-foot setbacks between homes and lot lines (side of house)
- More continuity in types of housing (more master planned, less piecemeal development)
- Developers pay for the privilege to develop on Bull Mountain
- Home styles that follow the land contours and setting
- Increase setbacks from street to 30-40 feet
- Don't accept "adequate" - set a higher standard
- No lots in new developments less than 10,000 square feet
- Strengthen and direct development to existing communities
- Reduced density, especially on slopes
- Citizen involvement and approval of planned developments
- Preserve open space and critical environmental areas
- Foster distinctive communities with a strong sense of place
- More thoughtful development
- Reduce density
- MUA - Clusters of homes and shops
- Adaptation of Bull Mountain Community Plan
- Eliminate the one-size fits all approach to development - be responsive to existing community/neighborhood
- Greater variety in home styles in developments
- Transition between urban and rural areas with less density
- Mix of single and multi-story homes in a single development
- The entire community needs to come to a consensus on the distribution of density including Areas 63 and 64.
- Concerning the special character of Bull Mountain, recent and current developments in the BM area appear to ignore the basic characteristics of the established homes. More thought needs to be given to future developments to avoid continuing this trend away from the original openness of the mountain.

Bull Mountain Planning Subcommittee Attachment A

- Prohibit density transfers.
- Establish a Design Review Board for all development (residential, commercial, and industrial).
- Have all developments be subject to the public hearing process
- Concerning lack of commercial development - whereas there are no commercial facilities on Bull Mountain, area residents need to come to a consensus on how much land should be dedicated for the possible addition of any businesses in the future.
- Concerning citizen awareness - to maintain the desirable character of the Bull Mountain area, significant involvement of the current residents is needed in future planning.

Parks

- Tree planting requirements
- Stricter penalties for cutting trees. Make developers pay fines.
- More off-road bicycle and pedestrian paths
- Green space between dense housing areas
- Low density housing
- Protection of natural spaces and resources
- Create walkable communities
- Provide parks and trails
- Require parks and walking pathways (away from streets).

Traffic

- Traffic calming structures
- Make developers pay for more street improvements and provide green space and trees.
- Provide traffic calming for existing streets
- Narrower roads with planting strips (through residential neighborhoods)
- No speed bumps
- Privatize roads where possible (e.g. cul-de-sacs)
- Less of a focus on connectivity of streets, especially in neighborhoods.
- Increase in TIFs and SDCs to reflect actual cost to community
- Green Streets (see Metro handbooks) applied to all new developments and Bull Mountain and Beef Bend Roads
- Give back street space to property owners with reduction in road width
- Transportation facilities need to keep pace with development. Minimal service standards should be maintained.
- Design roadways to meet needs and not be overly wide (keep the land in the property owner's yard).

Miscellaneous

- Encourage community and stakeholder collaboration
- Push back on Metro

Bull Mountain Planning Subcommittee Attachment A

- Regular five-year reviews of Bull Mountain comprehensive plan
- Design review of developments
- Police: County will lose four officers As population grows, more needed. Will City of Tigard get the ones laid off from Washington County?
- Have residents (both Tigard and Bull Mountain) involved in the Comp Plan update.
- Include the new areas inside the UGB (#63 and #64) in the Comp Plan update.
- Have the Comp Plan recognize the unique quality of Bull Mountain (specifically the topography).

Additional Comments

- I don't think this pattern of soliciting information is very effective because it goes from "Areas of Concern" directly to "Solutions" without any intermediary provision for input toward the planning process.
- I would find it helpful to have the subcommittee consider selecting one of the more pertinent "Likes" or "Dislikes" from the list and devoting one session to searching for a consensus which might indicate a possible productive outcome ("Solution").

**Bull Mountain Annexation
Police Services Subcommittee
White Paper**

Section 1 – Summary of Public Involvement and Discussion

The purpose of the Police Services Subcommittee is to provide additional time for public discussion and review of key benefits of the Bull Mountain Annexation Plan.

The objectives of the task force are:

- Develop an approach for transition of key urban services that occurs through annexation
- Provide additional opportunity for public involvement and discussion
- Develop a strategy for implementation of the Annexation Plan, e.g. funding, planning, etc.

Subcommittee membership:

- Jerry Edwards, Tigard Citizen
- Steve Tuttle, Unincorporated Area Citizen
- Wynne Wakkila, Unincorporated Area Citizen
- Charlie Cameron, Washington County Administrator
- Rob Gordon, Washington County Sheriff
- Bill Monahan, Tigard City Manager
- Bill Dickinson, Tigard Police Chief

Meeting Dates:

- February 23, 2004
- March 15, 2004
- March 29, 2004
- April 12, 2004
- May 10, 2004

Summary of issues and findings:

- Comparison of cost and services provided by the Washington County Sheriff's Office (WCSO) and the Tigard Police Department was done. WCSO is the larger provider of police services, providing the same patrol and emergency response services as Tigard. WCSO is the county-wide service provider and/or coordinator for joint task forces. In this respect, they have a greater number of officers and specialty teams, and are spread over a very

large service area. The comparison showed that both agencies deliver comparable services at comparable costs.

- Tigard participates in most of the county-wide teams that are managed by the Sheriff's Office, thereby enjoying a higher level of expertise available for Tigard citizens.
- There are some services such as jail, prisoner transport, civil process, and forensic services which are unique to the Sheriff's Office and are provided to all citizens of Washington County regardless of incorporation status.

Section 2 – Summary of Key Impacts of Annexation on Bull Mountain residents and Tigard Residents

Summary of Cost comparisons:

- Budget personnel from the City and the County were consulted to identify cost models and how they apply in this circumstance. The Sheriff's Office provides three main areas of service to Washington County.
 - First are the county-wide services, which are paid for and enjoyed by all Washington County residents, both in the cities and in the unincorporated area. Examples of such services include the jail, prisoner transport, forensics support, etc.
 - The second area of service provided by the Sheriff is law enforcement services that are provided mainly to unincorporated residents, with the exception of special units and intermittent back-up services that are provided on a county-wide basis. Examples of such services include patrol and investigations.
 - The third area of service is known as the Enhanced Sheriff's Patrol District (ESPD), which is a special taxing district approved by voters in the urban unincorporated areas. The District provides an enhanced level of law enforcement services that augments the traditional level of county services. The ESPD is an alternative that allows the District to receive municipal level of patrol service at a level that is closer to that provided by cities. The residents who receive ESPD services are taxed directly for this enhanced service level, making the service and tax revenue source very identifiable. Unincorporated Bull Mountain residents would cease paying tax for the ESPD following incorporation.
- The study of costs revealed that the Sheriff's budget identifies budgets for ESPD and jail services; however, the budgets for law enforcement do not clearly identify/quantify those county-wide services that are delivered to cities versus the unincorporated areas exclusively. Planning efforts are now underway to address this issue.
 - Because all County residents (city residents and unincorporated residents), pay the same tax rate for Sheriff's services, it is the subcommittee's

recommendation that the County identify which county property tax funds are providing county-wide services versus those that provide services to the unincorporated area (see above plan for addressing this issue).

- By clarifying where funds are applied, the Sheriff would be able to appropriately budget for the three areas of service identified above.
- Finally, it was recognized that the Sheriff's Office must continue to receive those county-wide revenues in order to maintain the long established service levels agreed upon by the County and cities in a mid-1980s urban services study and ultimately memorialized in the County 2000 Strategic Plan approved by the Board of Commissioners in 1987.
- Overall, it was the consensus of the subcommittee that services to Bull Mountain would remain at least at the same level as currently provided.

Section 3 – Transition of Services

- It was determined that the transition would be a cooperative effort.
 - The Sheriff's Office will continue to provide the county-wide services they have always provided. Tigard Police will hire additional officers to meet service level standards set by the Tigard City Council and that the current service level would not be diluted by the expanded service area and population.
 - It is expected that Tigard would hire sufficient additional staff to accommodate the annexation area's impact on the City. The additional staff will enhance response and investigative capacity for the entire City, so the benefit of additional officers is equally shared by the existing city residents as well as the residents of Bull Mountain.
 - It was recommended that the City of Tigard begin hiring and training immediately following an affirmative annexation vote. This would allow the Tigard Police to be fully staffed and ready to assume all patrol services by July of 2005

Section 4 – Implementation of the Annexation Plan

- In order to implement this transition plan, the City Council would need to authorize a supplemental budget which would allow the hiring and training to begin in advance of the transition date.
 - While there is a provision in State Law which allows Sheriff's Deputies to transfer to a new or annexing city, Sheriff Gordon has stated that this will not be necessary as growth in other parts of the County more than accommodates the area that would be annexed by Tigard.
 - Since lateral transfers are not likely, Tigard Police would need to ramp up its staffing level. It takes approximately 6 months from the time of hire, to the time that an Officer is fully trained and operational in the field. The Police Department maintains a current hiring list at all times, so hiring could begin immediately upon gaining the City Council's budget authorization.

**Bull Mountain Annexation
Streets Subcommittee**

White Paper

Section 1 - Summary of Public Involvement and Discussion

The Streets Subcommittee met five times in meetings open to the public. The members were presented with available information at the first meeting. Additional information was presented in subsequent meetings in response to questions from the members. The draft white paper was reviewed at the meeting on April 15, 2004. The revised draft paper was reviewed at the meeting on April 29, 2004. The final draft was reviewed on May 20, 2004 at which time the members signed off on the final version of the paper.

Subcommittee membership:

- Gus Duenas: City Engineer
- Brian Rager: Public Works Engineering Manager
- Victoria Saager: Washington County Representative
- Joe Schweitz: Tigard Citizen Representative
- Cam Gilmour: Tigard Citizen Representative
- Paul Giroux: Bull Mountain Citizen Representative
- Keshmira McVey: Bull Mountain Citizen Representative

Meeting Dates:

- March 3, 2004
- March 18, 2004
- April 15, 2004
- April 29, 2004
- May 20, 2004

Summary of issues raised and findings:

- Street Improvement Capital Project costs over the long term in the Annexation Area
 - Collector street improvements needed over the long term (6 to 20 years) in the Bull Mountain annexation area are estimated at \$19,380,000. This represents about 6.4% of approximately \$300 million in long-term capital project needs (during the next 20 or more years) in the City of Tigard. Some of the capital needs in the City are for high-cost overpasses and connectors that would eventually be constructed over the long term. The improvements needed in the annexation area are for widening of existing collectors, which most likely would be constructed earlier than those longer-term improvements.
 - Local streets and neighborhood routes could be improved to ultimate width with sidewalks, underground drainage, and street lights through formation of Local

Improvement Districts (LIDs). The cost of these improvements would be assessed to the benefited properties. The formation of these districts to perform these improvements would be subject to approval by the benefited property owners.

- Status of non-remonstrance agreements required of developers by Washington County
 - Non-remonstrance Agreements signed by residents in the annexation area are for the formation of Maintenance Local Improvement Districts (MLIDs). These MLIDs are not to be used for street improvements, but were implemented as a backup plan should Urban Road Maintenance District (URMD) be discontinued. The City of Tigard does not use MLIDs, does not obtain them from developers, and has no use for these agreements after annexation.
- What revenue would be transferred to Tigard from the Urban Road Maintenance District (URMD) and Road Fund at the time of annexation?
 - No revenue would be transferred to Tigard from URMD funds or Road Fund at time of annexation. Collections from the residents in the annexed area for the URMD would cease upon annexation.
- What improvements are planned by Washington County prior to the effective date of annexation (July 1, 2005)?
 - None, except for maintenance work to bring the streets into compliance with the requirements established by the Urban Service Agreement (attached), which requires that all streets to be transferred have a Pavement Condition Index (PCI) of greater than 40, and that the average PCI of all the streets is 75 or greater.
- What improvements will the County make to roads after the effective date of annexation?
 - None
- What commitments will the County make regarding street improvements in the annexation area?
 - County staff cannot make any commitments regarding street improvements in the annexation area. Any commitments would have to be obtained from the County Board of Commissioners. The commitment from the Board could be by resolution or Intergovernmental Agreement and should be executed prior to the effective date of annexation.
- Transfer of streets upon annexation. What is the process for transfer of streets from the County to the City? What streets transfer automatically? What streets need to be transferred separately?

- Except for Beef Bend Road and Barrows Road, all the streets in the annexation area will be transferred from County to City jurisdiction. This includes Bull Mountain Road, Roshak Road, and 150th Avenue. Beef Bend Road (County arterial) and Barrows Road will remain under County jurisdiction.
 - Approximately half of the streets (local streets and neighborhood routes) in the annexation area would transfer automatically. The remainder, which include local streets, neighborhood routes and collectors, are identified by County Road Number and would have to be transferred by separate action. The process is for the City to request and the County Board of Commissioners to agree by formal action to the transfer of those County Roads.
 - Washington County and the City already have an Urban Service Agreement dated November 26, 2002 that provides the basis for transfer of jurisdiction for streets. Washington County will ensure prior to transfer that all streets to be transferred have a Pavement Condition Index (PCI) of greater than 40, and that the average PCI of all the streets is 75 or greater. The current PCI average of all the streets in the annexation area is 81. The streets in the annexation area are generally in good to excellent condition.
 - The transfer of the streets in the annexation area will be executed at no additional cost to the residents in the annexation area.
 - Bull Mountain Road is a collector street that connects Highway 99W with Roy Rogers Road (a County arterial). 150th Avenue is also a collector street that provides a direct connection between Beef Bend Road (a County arterial) and Bull Mountain Road. Both these streets accommodate regional traffic and would most likely need to be widened during the next 5 to 10 years. A commitment from the County Board of Commissioners to recognize improvements to those streets as high priority would enhance the chances of those projects receiving strong consideration for funding in a future MSTIP or other funding opportunities.
- What happens to maintenance on those streets that do not transfer immediately upon annexation? Would there be a period where no maintenance is performed until the streets are officially transferred?
 - The URMD collections from the annexed area cease upon annexation. The County would not perform maintenance once the funding is no longer available. The City would not have jurisdiction over the streets until transfer occurs. Until the transfer occurs, there would most likely be a period during which no maintenance is performed on the streets.
 - One way to avoid a period of no maintenance is to initiate transfer prior to the effective date of annexation and have the transfer effective on the annexation date. A 6 or 7-month period should be sufficient time to initiate and complete the process. Should the jurisdictional transfer process take much longer than expected, the City and County could execute an Intergovernmental Agreement (IGA) for the City to perform street maintenance on those streets from the effective date of annexation until jurisdictional transfer occurs. This assumes that

the streets are at the level of compliance indicated in the Urban Service Agreement.

Section 2 – Summary of Key Impacts of Annexation on Bull Mountain residents and Tigard Residents

Summary of Costs (street maintenance, street lights, and capital improvements):

- The City funds street maintenance through gas tax revenue and through the newly established Street Maintenance Fee. The Street Maintenance Fee revenues would be used strictly for reconstruction, pavement overlays and slurry seals on existing streets. This fee is collected through the City's utility billing. The County funds street maintenance through URMD collections for all urban streets below major collector status. The URMD assessments appear on the property tax bill and are collected with the property taxes. Collector and arterial street maintenance are funded through the Road Fund, which is primarily the gas tax.
- The City pays for street light energy and maintenance through the gas tax revenues. The County creates Street Light Districts and charges the residents in the district for the installation, maintenance and energy costs of the street lights in each district. Like the URMD assessments, the street light charges appear on and are collected through the property tax bills.
- The City currently funds its major street improvement projects through the Traffic Impact Fee (TIF) revenues. The County also uses the TIF revenues, gas tax revenues and the Major Streets Transportation Improvement Program for street improvements.

Annual Costs

The cost comparisons are as follows:

Street Maintenance

- City of Tigard Street Maintenance Fee: \$2.18 per month per dwelling unit = \$26.16 per year
- Washington County URMD charges: \$61.40 per year (based on \$0.25 per \$1,000 of assessed value using a \$250,000 house)

Net reduction in cost upon annexation: $\$61.40 - \$26.16 = \$35.24$ per dwelling unit per year

Street Lights

- City of Tigard Street Lights: Absorbed in the City's Operating Budget. City assumes responsibility for energy and maintenance costs and residents do not pay charges directly.

- Washington County forms Street Light Districts and assesses charges to cover the long-term maintenance and energy costs for the street lights: \$35.00 per year average charge.
- Street Light Districts in the annexed area would be terminated and the street lights would become part of the City's street light system.

Net reduction in cost upon annexation: \$35 per dwelling unit per year

Capital Project Costs (Streets only)

- Total Street Improvement Costs (based on improvements to County collectors that are not yet built to ultimate width): \$19,380,000
 - Bull Mountain Road Only: \$8,050,000
 - 150th Avenue Only: \$3,425,000

Analysis of Annexation Impacts (Pros and Cons):

The following are the pros and cons of annexation from five different perspectives: Annexation Area Residents, City of Tigard Residents, City of Tigard, Washington County, Oregon Department of Transportation (ODOT).

Annexation Area Residents	
Pros	Cons
Lower annual street maintenance costs: \$35.24 less (see cost comparison above)	Concern whether or not the monthly \$2.18 Street Maintenance Fee is sufficient to provide a satisfactory level of maintenance, as compared to the level the County now achieves with the URMD funds.
Elimination of street light maintenance and energy charges: \$35 average charge per residence in a Street Light District	
Current road conditions preserved with routine street maintenance at City service level, which is performed at a frequency at least double that of the County	
Capital Improvements more likely with City support and emphasis. City would begin the process for planning the widening of Bull Mountain Road and 150 th Avenue soon after annexation.	

City of Tigard Residents	
Pros	Cons
With the County ensuring that the streets are in at least good condition prior to transfer, lower annual maintenance costs are anticipated for the next five years	The transition phase during the transfer of jurisdiction has the potential for reduced customer service initially as the City adjusts to the increased workload.
Additional mileage added to the City's total mileage could improve bid prices through economies of scale (more lineal footage in the annual pavement overlay and slurry seal projects)	

City of Tigard	
Pros	Cons
Increased gas tax and Street Maintenance Fee revenue	City would have to pay for street light energy and maintenance costs for that area in addition to street maintenance as needed
Potential for higher priority through City support on improvements to Bull Mountain Road and 150 th Avenue from future MSTIP or other funding opportunities	Except for the newer streets, streets are typically narrow, do not meet City standards, and do not have underground drainage. The City would be accepting a capital improvement liability because of major streets that need to be expanded to ultimate width at some point during the next 20 years. There are no guarantees that the future MSTIPs would include Bull Mountain Road and 150 th Avenue.
Lower initial maintenance requirements for streets	Increase in scope of work for maintenance of ditches and underground drainage systems. Additional personnel and equipment do need to be added to adequately maintain the drainage ditches and underground drainage systems in the annexation area. Potential for lag in customer service as the City adjusts to the increase in scope of work.
Control over the streets in the annexation area. Would allow City to perform traffic studies as needed, place appropriate traffic control devices, determine the appropriate level of	

maintenance and apply the City standards for development of streets within that area.	
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Washington County	
Pros	Cons
Would be a significant step towards reduction of urban services Countywide	Loss of URMD revenue from area with low current maintenance requirements (many new streets)

Oregon Department of Transportation	
Pros	Cons
Acceleration of improvements to Bull Mountain Road could result in improvements to the signal system at the Highway 99W/Bull Mountain Road intersection.	Improvements to Bull Mountain Road could result in increased traffic volumes entering Highway 99W. This could lead to increased congestion on Highway 99W from Durham Road to Hall Boulevard.

Section 3 - Transition of Services

Options Considered:

Transfer of Streets:

- Streets that automatically transfer would be transferred upon annexation under the conditions specified in the Urban Service Agreement dated November 26, 2002.
 - Accept street maintenance and street-related storm drainage on all streets transferred by annexation
 - Accept responsibility for traffic control and traffic calming on all streets transferred by annexation
- Streets that have to be transferred by separate action should go through the transfer process established by that same agreement. Begin the transfer process 6 or 7 months prior to the effective date and ensure the streets are officially transferred upon annexation.
 - Accept street maintenance and street-related storm drainage on all streets transferred by jurisdictional transfer process
 - Accept responsibility for traffic control and traffic calming on all streets transferred by jurisdictional transfer process

Evaluation Criteria

- Impact on the City's resources
- Time needed to accommodate additional responsibility
- City's ability to absorb additional scope and long-term street capital needs
- County's responsibility for regional traffic

Evaluation Criteria	Automatically Transfer		Transfer by Separate Action		
	<i>Street and Drainage Maintenance</i>	<i>Traffic control and calming</i>	<i>Street and Drainage Maintenance</i>	<i>Traffic control and calming</i>	<i>Capital Improvement Needs</i>
Impact on City's resources	Will need additional resources (labor and equipment)	Will not need additional resources	Will need additional resources (labor and equipment)	Will not need additional resources	Exceeds City's existing resources
Time needed	Can be done prior to effective date	Can be done immediately	Can be done prior to effective date	Can be done immediately	Needs to be planned and implemented over the long term (up to 20 years)
City's ability to absorb scope and capital needs	Need labor, and equipment and time to get them	Can be accommodated with existing resources	Need labor, and equipment and time to get them	Can be accommodated with existing resources	Would be prioritized along with other City projects
County's responsibility for regional traffic	N/A	N/A	N/A	N/A	Commitment needed from County Board to make Bull Mountain Road and 150 th Avenue high priority for future funding

Recommended Approach

- Accept automatic street transfer with annexation in accordance with Urban Service Agreement

- Execute street transfers for those streets that need separate action to allow an effective transfer date of July 1, 2005
- Obtain a commitment from the Washington County Board that Bull Mountain Road and 150th Avenue would be considered as high priority projects for MSTIP 4, or other funding opportunities
- Ensure adequate time for the City to acquire necessary manpower and equipment to perform routine maintenance on transferred streets. The 6-month period January through June 2005 should be sufficient time for recruitment and equipment purchase.

Section 4 - Implementation of the Annexation Plan

The current plan for annexation calls for a vote in November (Citywide and Bull Mountain Annexation Area) of 2004. The effective date of annexation would be July 1, 2005. Streets that would transfer automatically upon annexation would become the City's responsibility on that date. Streets that need to be transferred by separate action should be transferred at the same time to avoid any lag in service. If the annexation vote succeeds, the seven-month time period from December 2004 through June 2005 will allow the City to mobilize whatever resources it needs to begin street maintenance in the annexation area on July 1, 2005. This time period should also be sufficient for the transfer process to occur with an effective transfer date of July 1, 2005. Additional personnel will need to be hired (at least two utility workers) and one or possibly two additional utility trucks would have to be purchased. The maintenance and control of traffic control devices could be assumed immediately upon annexation. Neighborhood traffic management would likewise be assumed upon annexation.

Recommended Strategy for Implementation:

Funding

- Begin gas tax collection for the annexation area effective July 1, 2005
- Begin Street Maintenance Fee billing effective July 1, 2005
- Include as part of the Supplemental Budget (which would be necessary to address the annexation) funding to hire additional street maintenance personnel and equipment needed to provide routine maintenance on the streets transferred
- Request and obtain commitment from Washington County Board of Commissioners to consider Bull Mountain Road and 150th Avenue Improvements as high priority projects for incorporation in future MSTIP or other funding opportunities

Planning

- Identify any streets that need preventative or corrective maintenance prior to transfer, ensure that they are included in the County's list for resurfacing, and that they are brought up to standard prior to transfer to the City
- Mobilization during the seven-month period from December 2004 through June 2005 to have resources available by July 1, 2005. This includes approval of a Supplemental Budget to provide the funding necessary for these resources.

- Incorporate the streets transferred into the City's Capital Improvement Program formulation process for any future improvement needs
- Provide notice well in advance of the effective date to all residents in the Annexation Area that the City is assuming responsibility for the streets and street maintenance
- Prepare for the transition of services from Washington County to the City
- Identify and prepare for the transfer of the street lights that need to be absorbed into the City's street light system

Timing

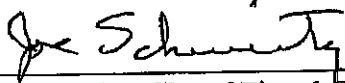
- Accept the streets that automatically transfer on July 1, 2005
- Begin and complete the process of identifying and describing the streets for transfer by separate action at least 6 or 7 months prior to annexation. Have the approval process completed prior to annexation with an effective transfer date of July 1, 2005, same as the other streets.
- Execute a Supplemental Budget to provide the resources for street maintenance no later than the end of March 2005
- Obtain a commitment in writing (possibly through resolution or Intergovernmental Agreement) from the County prior to the annexation date to elevate Bull Mountain Road and 150th Avenue to high priority for future funding
- Ensure all streets are brought up to the standards described in the Urban Service Agreement prior to transfer dates
- Dispense with the MLIDs executed in the annexation area upon annexation
- Begin planning for improvements to Bull Mountain Road and 150th Avenue shortly after annexation to ensure that they would be in contention for any available funding through Federal, State, County or City sources

Attachment: Urban Service Agreement dated November 26, 2002

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**Bull Mountain Annexation
Streets Subcommittee
White Paper**

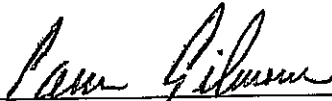
Submitted by:



Joe Schweitz, City of Tigard Citizen Representative

5/20/04

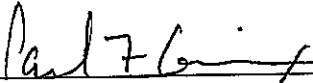
Date



Cam Gilmour, City of Tigard Citizen Representative

5/20/04

Date



Paul Giroux, Bull Mountain Citizen Representative

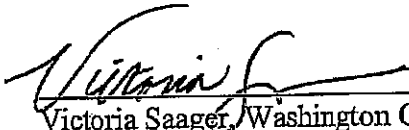
5/20/04

Date

Missed. Last 3 meetings. Did not respond
and did not sign.

Keshmira McVey, Bull Mountain Citizen Representative

Date



Victoria Saager, Washington County Representative

5/20/04

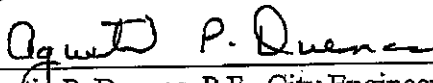
Date



Brian D. Rager, P.E., Public Work Engineering Manager,
City of Tigard

5/20/04

Date



Agustin P. Duenas, P.E., City Engineer,
City of Tigard

5/20/04

Date

TIGARD URBAN SERVICE AGREEMENT

November 26, 2002

This AGREEMENT is made and entered into by and between Washington County, a municipal corporation of the State of Oregon, hereinafter "COUNTY," the City of Tigard, a municipal corporation of the State of Oregon, hereinafter "CITY," Metro, a metropolitan service district of the State of Oregon, hereinafter "METRO," and the following Special Districts of the State of Oregon, hereinafter "DISTRICT(S),"

Clean Water Services;
Tigard Water District;
Tri-Met;
Tualatin Hills Park and Recreation District;
Tualatin Valley Fire and Rescue District; and
Tualatin Valley Water District

RECITALS

WHEREAS, ORS 195.025(1) requires METRO, through its regional coordination responsibilities, to review urban service agreements affecting land use, including planning activities of the counties, cities, special districts, state agencies; and

WHEREAS, ORS 195.020(4)(e) requires cooperative agreements to specify the units of local government which shall be parties to an urban service agreement under ORS 195.065; and

WHEREAS, ORS 195.065(1) requires units of local government that provide an urban service within an urban growth boundary to enter into an urban service agreement that specifies the unit of government that: will deliver the services, sets forth the functional role of each service provider, determines the future service area, and assigns responsibilities for planning and coordination of services; and

WHEREAS, ORS 195.065(1) and (2) require that the COUNTY shall be responsible for:

1. Convening representatives of all cities and special districts that provide or declare an interest in providing an urban service inside an urban growth boundary within the county that has a population greater than 2,500 persons for the purpose of negotiating an urban service agreement;
2. Consulting with recognized community planning organizations within the area affected by the urban service agreement; and
3. Notifying Metro in advance of meetings to negotiate an urban service agreement to enable Metro's review; and

WHEREAS, ORS 195.075(1) requires urban service agreements to provide for the continuation of an adequate level of urban services to the entire area that each provider serves and to specify if there is a significant reduction in the territory of a special service district; and

WHEREAS, ORS 195.075(1) requires that if there is a significant reduction in territory, the agreement shall specify how the remaining portion of the district is to receive services in an affordable manner; and

WHEREAS, ORS 195.205 TO 195.235 grant authority to cities and districts (as defined by ORS 198.010) to annex lands within an urban growth boundary, subject to voter approval, if the city or district enacts an annexation plan adopted pursuant to ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335, and 223.304, and if the city or district has entered into urban service agreements with the county, cities and special districts which provide urban services within the affected area; and

WHEREAS, ORS 197.175 requires cities and counties to prepare, adopt, amend, and revise their comprehensive plans in compliance with statewide planning goals, and enact land use regulations to implement their comprehensive plans; and

WHEREAS, Statewide Planning Goals 2, 11, and 14 require cities and counties to plan, in cooperation with all affected agencies and special districts, for the urbanization of lands within an urban growth boundary, and ensure the timely, orderly, and efficient extension of public facilities and urban services.

NOW, THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

I. ROLES AND RESPONSIBILITIES

- A. Parties to this AGREEMENT shall provide land use planning notice to each other in accordance with the provision of the "Cooperative Agreements," developed per ORS 195.020(4)(e).
- B. The parties to this AGREEMENT are designated as the appropriate provider of services to the citizens residing within their boundaries as specified in this AGREEMENT.
- C. The CITY is designated as the appropriate provider of services to citizens residing within its boundaries and to adjacent unincorporated areas subject to this AGREEMENT as shown on Map A, except for those services that are to be provided by another party as specified in this AGREEMENT.
- D. The CITY and COUNTY will be supportive of annexations to the CITY over time. The CITY shall endeavor to annex the unincorporated areas shown on Map A, in keeping with the following schedule:
 - 1. Near to mid-term (3 to 5 years): Bull Mountain area and unincorporated lands north of the Tualatin River and south of Durham Road and

2. Far-term (10 years or later): Metzger area.

- B. Pursuant to ORS 195.205, the CITY and DISTRICTS reserve the right and may, subsequent to the enactment of this AGREEMENT, develop an annexation plan or plans in reliance upon this AGREEMENT in accordance with ORS 195.205 to 220.
- F. In keeping with the *County 2000 Strategic Plan* or its successor, the COUNTY will focus its energies on those services that provide county-wide benefit and transition out of providing municipal services that may benefit specific geographic areas or districts. The COUNTY recognizes cities and special service districts as the ultimate municipal service providers as specified in this AGREEMENT. The COUNTY also recognizes cities as the ultimate local governance provider to the urban area.
- G. Within twelve months of the effective date of this AGREEMENT and prior to any consolidation or transfer of duties or any single or multiple annexations totaling twenty acres, the parties shall identify any duties performed by the parties that will or may be assumed or transferred from one party to another party by annexation, consolidation or agreement. The affected parties shall identify how the duties will be transferred or assumed, including the transfer of employees and equipment. The process to transfer duties, employees and equipment shall account for the cumulative effects of annexation, consolidation and transfer by agreement. This process shall also address large scale annexations and the large scale transfer of duties by consolidation or agreement. In the event the affected parties cannot agree upon the processes to transfer duties, employees and equipment, the provisions of Section VII of this AGREEMENT shall be used to resolve the dispute.
- H. The COUNTY shall have the responsibility for convening representatives for the purpose of amending this AGREEMENT, pursuant to ORS 195.065(2)(a).

II. AGREEMENT COORDINATION

- A. Existing intergovernmental agreements that are consistent with this AGREEMENT shall remain in force. This AGREEMENT shall control provisions of existing intergovernmental agreements that are inconsistent with the terms of this AGREEMENT. This AGREEMENT does not preclude any party from amending an existing inter-governmental agreement or entering into a new inter-governmental agreement with one or more parties for a service addressed in this AGREEMENT, provided such an agreement is consistent with the provisions of this AGREEMENT.
- B. The CITY and COUNTY have entered into an intergovernmental agreement for the CITY provision of building, land development and specific road services on behalf of the COUNTY to the unincorporated lands in the Bull Mountain area.
- C. CITY and COUNTY shall endeavor to take all action necessary to cause their comprehensive plans to be amended to be consistent with this AGREEMENT within twelve months of execution of this AGREEMENT, but no later than sixteen months from the date of execution.

III. AREA AFFECTED BY AGREEMENT

This AGREEMENT applies to the Tigard Urban Service Area (TUSA) as shown on Map A and properties added to the Regional Urban Growth Boundary (UGB) that are to be annexed to the CITY in the future as described below in Section VIII.

IV. URBAN SERVICE PROVIDERS

A. The service provisions of this AGREEMENT, as described in Exhibits A through G, establish the providers and elements of urban services for the geographic area covered in this AGREEMENT; and

B. The following urban services are addressed in this AGREEMENT:

1. Fire Protection and Emergency Services (Exhibit A);
2. Public Transit (Exhibit B);
3. Law Enforcement (Exhibit C);
4. Parks, Recreation, and Open Space (Exhibit D);
5. Roads and Streets (Exhibit E);
6. Sanitary Sewer and Storm Water (Exhibit F); and
7. Water Service (Exhibit G).

V. ASSIGNABILITY

No assignment of any party's rights or obligations under this AGREEMENT to a different, new or consolidated or merged entity shall be effective without the prior consent of the other parties affected thereby. Any party to this AGREEMENT who proposes a formation, merger, consolidation, dissolution, or other major boundary change shall notify all other parties of the availability of the reports or studies required by Oregon State Statutes to be prepared as part of the proposal.

VI. EFFECTIVE DATE OF AGREEMENT

This AGREEMENT shall become effective upon full execution by all parties.

VII. TERM OF THE AGREEMENT

This AGREEMENT shall continue to be in effect as long as required under state law. The COUNTY shall be responsible for convening the parties to this AGREEMENT for the review or modification of this AGREEMENT, pursuant to Section VIII.

VIII. PROCESS FOR REVIEW AND MODIFICATION OF THE AGREEMENT

- A. Parties shall periodically review the provisions of this AGREEMENT in order to evaluate the effectiveness of the processes set forth herein and to propose any necessary or beneficial amendments to address considerations of ORS 195.070 and ORS 195.075.
- B. Any party may propose modifications to this agreement to address concerns or changes in circumstances.
- C. The body of this AGREEMENT (Recitals and Sections I through IX) may only be changed by written consent of all affected parties. Amendments to the exhibits of this AGREEMENT may be made upon written consent of the parties identified in each exhibit.
- D. The periodic review of this AGREEMENT and all proposed modifications to this AGREEMENT shall be coordinated by the COUNTY. All requests for the periodic review of this AGREEMENT and all proposed modifications shall be considered in a timely manner and all parties shall receive notice of any proposed amendment. Only those parties affected by an amendment shall sign the amended agreement. All amendments that include boundary changes shall comply with Chapter 3.09 of the METRO Code or its successor.
- E. Lands added to the Regional Urban Growth Boundary that are determined to be annexed to the CITY in the future by separate process, such as an Urban Reserve Plan, shall be subject to this AGREEMENT. The appropriate service providers to new urban lands for the services addressed in this AGREEMENT shall be determined through the provisions of this Section unless those determinations are made through the development of an Urban Reserve Plan and all affected parties agree to the service determinations. This AGREEMENT shall be amended to address new urban lands and reflect the service provider determinations consistent with the provisions of this Section.

IX. DISPUTE RESOLUTION

If a dispute arises between or among the parties regarding breach of this AGREEMENT or interpretation of any term thereof, those parties shall first attempt to resolve the dispute by negotiation prior to any other contested case process. If negotiation fails to resolve the dispute, the parties agree to submit the matter to non-binding mediation. Only after these steps have been exhausted will the matter be submitted to arbitration.

Step 1 – Negotiation. The managers or other persons designated by each of the disputing parties will negotiate on behalf of the entities they represent. The issues of the dispute shall be reduced to writing and each manager shall then meet and attempt to resolve the issue. If the dispute is resolved with this step, there shall be a written determination of such resolution signed by each manager, which shall be binding upon the parties.

Step 2 – Mediation. If the dispute cannot be resolved within 30 days of initiation of Step 1, a party shall request in writing that the matter be submitted to non-binding mediation. The parties shall use good-faith efforts to agree on a mediator. If they cannot agree, the parties shall request a list of five mediators from an entity or firm providing mediation services. The parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, each party shall select one name and the two mediators shall jointly select a third mediator. The dispute shall be heard by the third mediator and any common costs of mediation shall be borne equally by the parties, who shall each bear their own costs and fees therefore. If the issue is resolved at this Step, then a written determination of such resolution shall be signed by each manager and shall be binding upon the parties.

Step 3 – Arbitration. After exhaustion of Steps 1 and 2 above, the matter shall be settled by binding arbitration in Washington County, Oregon, in accordance with the Commercial Arbitration Rules of the American Arbitration Association, the rules of the Arbitration Service of Portland, or any other rules mutually agreed to, pursuant to ORS 190.710-790. The arbitration shall be before a single arbitrator; nothing shall prevent the parties from mutually selecting an arbitrator or panel thereof who is not part of the AAA panel and agreeing upon arbitration rules and procedures. The cost of arbitration shall be shared equally. The arbitration shall be held within 60 days of selection of the arbitrator unless otherwise agreed to by the parties. The decision shall be issued within 60 days of arbitration.

X. SEVERABILITY CLAUSE

If any portion of this AGREEMENT is declared invalid, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this AGREEMENT.

XI. SIGNATURES OF PARTIES TO AGREEMENT

In witness whereof, this AGREEMENT is executed by the authorized representatives of the COUNTY, CITY, DISTRICTS, and METRO. The parties, by their representative's signatures to this AGREEMENT, signify that each has read the AGREEMENT, understands its terms, and agrees to be bound thereby.

CITY OF TIGARD

By: James E. Griffith
James E. Griffith, Mayor

12-10-02
Date

Approved as to Form:

By: Anthony V. Rennis
City Attorney

TUALATIN VALLEY FIRE AND RESCUE DISTRICT

By: Charles J. Salzman
Chairman, Board of Directors

12/17/02
Date

Approved as to Form:

By: Robert F. Blumhagen
District Counsel

TUALATIN HILLS PARK AND RECREATION DISTRICT

By: [Signature]
President, Board of Directors

February 3, 2003
Date

Approved as to Form:

By: [Signature]
District Counsel

TRI-MET

By: [Signature]
General Manager

12/16/02
Date

Approved as to Form:

By: [Signature]
District Counsel

CLEAN WATER SERVICES

By: Tom Brian
Tom Brian, Chair
Board of Directors

12-17-02
Date

Approved as to Form:
By: Ch P. VII
District Counsel

AFFECTED CLEAN WATER SERVICES
BOARD OF DIRECTORS
MINUTE ORDER # CWS 02-119
DATE 12-17-02
BY Barbara Hejtmarek
CLERK OF THE AGENCY

TIGARD WATER DISTRICT

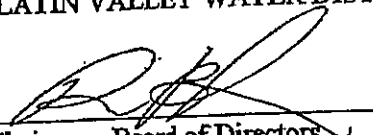
By: [Signature]
Chairman, Board of Directors
COMMISSIONER

12/19/02
Date

Approved as to Form:

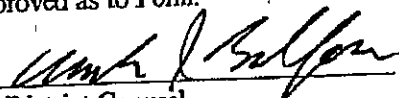
By: _____
District Counsel

TUALATIN VALLEY WATER DISTRICT

By: 
Chairman, Board of Directors
Richard P. Burke

12-18-02
Date

Approved as to Form:

By: 
District Counsel
Clark Balfour

WASHINGTON COUNTY

By: Tom Brian
Tom Brian, Chair
Board of Commissioners

12-17-02
Date

Approved as to Form:

By: Chris Rypley
County Counsel

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS

MINUTE ORDER # 02-417

DATE 12-17-02

BY Barbara Hejmanek
CLERK OF THE BOARD

METRO

By: Craig Smith
Presiding Officer

Date 12/3/2002

Approved as to Form:

By: D. Blagov
Legal Counsel

EXHIBIT A

PROVISIONS OF AGREEMENT FOR FIRE PROTECTION AND PUBLIC EMERGENCY SERVICES

TUALATIN VALLEY FIRE AND RESCUE DISTRICT, CITY and COUNTY agree:

1. That the TUALATIN VALLEY FIRE AND RESCUE DISTRICT (TVFR) is and shall continue to be the sole provider of fire protection services to the Tigard Urban Service Area (TUSA) shown on Map A.
2. That TVFR, CITY and COUNTY are and shall continue to provide emergency management response services to the TUSA.
3. That TVFR is and shall continue to be the sole provider of all other public emergency services to the TUSA, excluding law enforcement services.

EXHIBIT B

PROVISIONS OF AGREEMENT FOR PUBLIC TRANSIT SERVICE

TRI-MET, CITY, COUNTY and METRO agree:

1. That TRI-MET, pursuant to ORS Chapter 267, is currently the sole provider of public mass transit to the Tigard Urban Service Area (TUSA) shown on Map A. Future options for public mass transit services to the TUSA may include public/private partnerships to provide rail or other transit service, CITY operated transit service, and transit service by one or more public agency to all or part of the area.
2. That TRI-MET shall work with the COUNTY, CITY, and METRO to provide efficient and effective public mass transit services to the TUSA.

EXHIBIT C

PROVISIONS OF AGREEMENT FOR LAW ENFORCEMENT

COUNTY and CITY agree:

1. That as annexations occur within the Tigard Urban Service Area shown on Map A, the CITY will assume law enforcement services and the area will be withdrawn from the Enhanced Sheriff's Patrol District. The Sheriff's Office will continue to provide law enforcement services identified through the Cogan Law Enforcement Project and those services mandated by state law. Eventually, the Enhanced Sheriff's Patrol District, consistent with its conditions of formation, will be eliminated when annexations on a county-wide basis reach a point where the function of the District is no longer economically feasible.
2. That over time as annexations occur within the urban unincorporated area, the primary focus of the Sheriff's office will be to provide programs that are county-wide in nature or serve the rural areas of the COUNTY. The Sheriff's office will continue to maintain needed service levels and programs to ensure the proper functioning of the justice system in the COUNTY. The Sheriff's Office will also continue to provide available aid to smaller cities (e.g., Banks and North Plains) for services specified in the COUNTY'S mutual aid agreement with those cities upon their request. The Sheriff's Office will also consider requests to provide law enforcement services to cities on a contractual basis consistent with the COUNTY's law enforcement contracting policy.
3. That the COUNTY and CITY and other Washington County cities, through the Cogan Law Enforcement Project, shall determine the ultimate functions of the Sheriff's Office that are not mandated by state law.
4. That the COUNTY and CITY shall utilize comparable measures of staffing that accurately depict the level of service being provided to residents of all local jurisdictions in the COUNTY.

EXHIBIT D

PROVISIONS OF AGREEMENT FOR PARKS, RECREATION AND OPEN SPACE

CITY, TUALATIN HILLS PARK AND RECREATION DISTRICT (THPRD), COUNTY, and METRO agree:

1. That the CITY shall be the designated provider of park, recreation and open spaces services to the Tigard Urban Service Area (TUSA) shown on Map A. Actual provision of these services by the CITY to lands within the TUSA is dependent upon lands being annexed to the CITY. Within the Metzger Park Local Improvement District (LID), the CITY will be a joint provider of services. The CITY and THPRD, however, may also enter into inter-governmental agreements for the provision of park, recreation and open space services to residents within each other's boundaries, such as the joint use of facilities or programs. This provision does not preclude future amendments to this AGREEMENT concerning how park, recreation and open space services may be provided within the TUSA.
2. That the CITY and the COUNTY should further examine the feasibility of creating a park and recreation district for the TUSA.
3. That standards for park, recreation, and open space services within the TUSA will be as described in the CITY'S park master plan.
4. That the CITY and COUNTY are supportive of the concept of a parks systems development charge as a method for the future acquisition and development of parks lands in the TUSA that are outside of the CITY. The CITY and COUNTY agree to study the feasibility of adopting such a systems development charge for lands outside of the CITY.
5. That at the next update of its parks master plan, the CITY shall address all the lands within the TUSA.
6. That the Metzger Park LID shall remain as a special purpose park provider for as long as a majority of property owners within the LID wish to continue to pay annual levies for the operation and maintenance of Metzger Park. The CITY and COUNTY also agree to the continuation of the Metzger Park Advisory Board. However, the COUNTY as administrator of the LID, may consider contracting operation and maintenance services to another provider if that option proves to be more efficient and cost-effective. This option would be presented and discussed with the Park Advisory Board before the COUNTY makes a decision.
7. That continuation of the Metzger Park LID shall not impede provision of parks, and eventually recreation services, to the Metzger Park neighborhood by the CITY. Continuation of the Metzger Park LID will be considered as providing an additional level of service to the neighborhood above and beyond that provided by the CITY.

8. That the CITY and COUNTY will coordinate with Metro to investigate funding sources for acquisition and management of parks which serve a regional function.
9. That Metro may own and be the provider of region-wide parks, recreation and open space facilities within the TUSA. Metro Greenspace and Parks facilities typically are to serve a broader population base than services provided to residents of the TUSA by the CITY. Where applicable, the CITY, COUNTY, and METRO will aspire to coordinate facility development, management and services.

EXHIBIT E

PROVISIONS OF AGREEMENT FOR ROADS AND STREETS

CITY and COUNTY agree:

1. Existing Conditions and Agreements

- A. The COUNTY shall continue to retain jurisdiction over the network of arterials and collectors within the Tigard Urban Service Area (TUSA) that are specified on the COUNTY-wide roadway system in the Washington County Transportation Plan. The CITY shall accept responsibility for public streets, local streets, neighborhood routes and collectors and other streets and roads that are not part of the COUNTY-wide road system within its boundaries upon annexation if the street or road meets the agreed upon standards described in Section 2.C.(2) below.
- B. The COUNTY and CITY agree to continue sharing equipment and services with renewed emphasis on tracking of traded services and sharing of equipment without resorting to a billing system, and improved scheduling of services. Additionally, the COUNTY and CITY shall work to improve coordination between the jurisdictions so that the sharing of equipment and services is not dependent on specific individuals within each jurisdiction. The COUNTY and CITY shall also work to establish a more uniform accounting system to track the sharing and provision of services.
- C. Upon annexation to the CITY, the annexed area shall be automatically withdrawn from the Urban Road Maintenance District (URMD).
- D. Upon annexation to the CITY, an annexed area that is part of the Washington County Service District For Street Lighting No. 1 shall be automatically withdrawn from the District. The CITY shall assume responsibility for street lighting on the effective date of annexation of public streets and COUNTY streets and roads that will be transferred to the CITY. The COUNTY shall inform PGE when there is a change in road jurisdiction or when annexation occurs and the annexed area is no longer a part of the street lighting district.

2. Road Transfers

Transfer of jurisdiction may be initiated by a request from the CITY or the COUNTY.

- A. Road transfers shall include the entire right-of-way (e.g., a boundary cannot be set down the middle of a road) and proceed in a logical manner that prevents the creation of segments of COUNTY roads within the CITY'S boundaries.

B. Within thirty days of annexation, the CITY will initiate the process to transfer jurisdiction of COUNTY and public streets and roads within the annexed area, including local streets, neighborhood routes, collectors and other roads that are not of county-wide significance. The transfer of roads should take no more than one year from the effective date of annexation.

C. The COUNTY:

- (1) To facilitate the road transfer process, the COUNTY will prepare the exhibits that document the location and condition of streets to be transferred upon receipt of a transfer request from the CITY.
- (2) Prior to final transfer, the COUNTY:
 - (a) Shall complete any maintenance or improvement projects that have been planned for the current fiscal year or transfer funds for same to the CITY.
 - (b) Shall provide the CITY with any information it may have about any neighborhood or other concerns about streets or other traffic issues within the annexed area. This may be done by providing copies of COUNTY project files or other documents or through joint meetings of CITY and COUNTY staff members.
 - (c) Shall make needed roadway improvements so that all individual roads or streets within the area to be annexed have a pavement condition index (PCI) of more than 40 and so that the average PCI of streets and roads in the annexed area is 75 or higher. As an alternative to COUNTY-made improvements, the COUNTY may pay the CITY'S costs to make the necessary improvements.
 - (d) Shall inform the CITY of existing maintenance agreements, Local Improvement Districts established for road maintenance purposes, and of plans for maintenance of transferred roads. The COUNTY shall withdraw the affected territory from any road maintenance LIDs formed by the COUNTY.

D. The CITY:

- (1) Agrees to accept all COUNTY roads and streets as defined by ORS 368.001(1) and all public roads within the annexed area that are not of county-wide significance or are not identified in the COUNTY'S Transportation Plan as part of the county-wide road system provided the average PCI of all COUNTY and public roads and streets that the CITY is to accept in the annexed area is 75 or higher as defined by the COUNTY'S pavement management system. If any individual COUNTY or public street or road that the CITY is to accept within the area has an average PCI of 40 or less at the time of annexation, the CITY shall assume jurisdiction of the road or street only after the COUNTY has complied with Section 2.C.(2) of this exhibit.
- (2) Shall, in the event the transfer of roads does not occur soon after annexation, inform the newly annexed residents of this fact and describe when and under what conditions

the transfer will occur and how maintenance will be provided until the transfer is complete.

- E. The CITY shall be responsible for the operation, maintenance and construction of roads and streets transferred to the CITY as well as public streets annexed into the CITY. CITY road standards shall be applicable to transferred and annexed streets. The CITY shall also be responsible for the issuance of access permits and other permits to work within the right-of-way of those streets.

3. Road Design Standards and Review Procedures and Storm Drainage

The CITY and COUNTY shall agree on:

- A. The CITY and COUNTY urban road standards and Clean Water Service standards that will be applicable to the construction of new streets and roads and for improvements to existing streets and roads that eventually are to be transferred to the CITY, and streets and roads to be transferred from the CITY to the COUNTY;
- B. The development review process and development review standards for COUNTY and public streets and roads within the TUSA, including COUNTY streets and roads and public streets that will become CITY streets, and streets and roads that are or will become part of the COUNTY-wide road system; and
- C. Maintenance responsibility for the storm drainage on COUNTY streets and roads within the TUSA in cooperation with Clean Water Services.

4. Review of Development Applications and Plan Amendments

- A. The COUNTY and CITY, in conjunction with other Washington County cities and the Oregon Department of Transportation (ODOT), shall agree on a process(es) and review criteria (e.g., types and levels of analysis) to analyze and condition development applications and plan amendments for impacts to COUNTY and state roads.
- B. The review process(es), review criteria, and criteria to condition development and plan amendment applications shall be consistent with the *Oregon Highway Plan*, the *Regional Transportation System Plan*, COUNTY and CITY Transportation Plans and Title 6 of METRO'S *Urban Growth Management Functional Plan*.

5. Maintenance Cooperation

- A. The COUNTY and CITY, in conjunction with ODOT, shall consider developing an Urban Road Maintenance Agreement within the TUSA area for the maintenance of COUNTY, CITY, and state facilities, such as separately owned sections of arterial streets and to supplement the 1984 League of Oregon Cities Policy regarding traffic lights.

- A. The COUNTY and CITY, in conjunction with other Washington County cities, shall develop a set of minimum right-of-way maintenance standards and levels of activity to be used in performance of services provided under the exchange of services agreement described above in 5. a.
- C. The COUNTY may contract with the CITY for the maintenance of COUNTY streets and roads within the TUSA utilizing an agreed upon billing system.
- D. The COUNTY, CITY and ODOT, in conjunction with other Washington County cities, will study opportunities for co-locating maintenance facilities.

6. Implementation

Within one year of the effective date of this AGREEMENT, the CITY and COUNTY agree to develop a schedule that describes when the provisions of this exhibit shall be implemented.

EXHIBIT F

PROVISIONS OF AGREEMENT FOR SANITARY SEWER AND STORM WATER MANAGEMENT

CLEAN WATER SERVICES, (CWS), CITY and COUNTY agree:

1. As a county service district organized under ORS 451, CWS has the legal authority for the sanitary sewage and storm water (surface water) management within the CITY and the urban unincorporated area. CWS develops standards and work programs, is the permit holder, and operates the sanitary sewage treatment plants.
2. The CITY performs a portion of the local sanitary sewer and storm water management programs as defined in the operating agreement between the CITY and CWS. This agreement shall be modified on an as-needed basis by entities to the agreement.
3. At the time of this AGREEMENT, the following are specific issues that the parties have addressed as part of this process and agree to resolve through changes to current intergovernmental agreements.
 - A. Rehabilitation of Sewer Lines with Basins Identified with High Levels of Infiltration and Inflow (I & I).
 - B. For lines that are cost-effective to do rehabilitation, CWS and the CITY will consider cost-sharing regardless of line size under a formula and using fund sources to be agreed on between CITY and CWS. The cost-share is to be determined through specific project intergovernmental agreements. Following the evaluation of program funding methods, CWS, in cooperation with the CITY, will determine the long-term funding for I & I and other rehabilitation projects.
 - C. CWS, with assistance from the CITY and other Washington County cities, shall undertake periodic rate studies of monthly service charges to determine whether they are adequate to cover costs, including costs of maintenance and rehabilitation of sewer lines. The rate study shall consider sewer line deterioration and related maintenance and repair issues.
4. Master and Watershed Planning:
 - A. Primary responsibility for master and watershed planning will remain with CWS, but the CITY will be permitted to conduct such planning as long as these plans meet CWS standards. CWS and the CITY shall use uniform standards, such as computer modeling, to conduct these studies. CWS and the CITY shall determine their respective cost-sharing responsibility for conducting these studies.

- B. CWS and the CITY, in conjunction with other Washington County cities using the City/District Committee established by CWS, shall develop uniform procedures for the coordination and participation between CWS, the CITY and other cities when doing master and watershed planning.

5. Sanitary Sewer Systems Development Charges

CWS and the CITY, in conjunction with other Washington County cities, shall use the results of the CWS Conveyance System Management Study, or updates, for options for collection and expenditure of SDC funds to address current disparities between where funds are collected and where needs are for projects based on an agreed upon CITY/CWS master plan.

6. Storm Water Management System Development Charges

- A. CWS and the CITY shall use the results of the CWS Surface Water Management Plan Update Project to address all aspects of storm water management and to provide more direction to CWS and the CITY.
- B. Watershed plans being prepared by CWS for storm water management shall address the major collection system as well as the open-channel system to identify projects for funding.

7. Maintenance

CWS, in cooperation with the CITY and other Washington County cities, shall use the results of the CWS Conveyance System Management Study for guidance to resolve issues related to roles of the DISTRICT and the cities in order to provide more cost effective maintenance of the collection systems.

EXHIBIT G

PROVISIONS OF AGREEMENT FOR WATER SERVICE

TUALATIN VALLEY WATER DISTRICT (TVWD), TIGARD WATER DISTRICT (TWD),
CITY and COUNTY agree:

1. Supply:

- A. Supply generally will not impact service boundaries, given that a limited number of sources provide all the water in the study area and the number of interconnections between providers are increasing and are encouraged to continue in the future.
- B. Future supply and conservation issues may be addressed through the Regional Water Consortium to the extent reasonable and practicable for water providers in Washington County. Service providers in the TUSA shall continue to participate in the Consortium and use it as the forum for raising, discussing and addressing supply issues.
- C. The Consortium may also serve as a forum to discuss and resolve water political issues to the extent reasonable and practicable for water providers in Washington County. The Consortium is an appropriate forum to bring elected officials together and for promoting more efficient working relationships on water supply and conservation issues.
- D. Intergovernmental agreements shall address ownership of interconnections between CITY and Districts' sources, whether for the purpose of wholesale provision of water from one entity to the other or for emergency use, in the case of a boundary change that involves the site of the interconnection.

2. Maintenance/Distribution:

- A. TVWD, TWD and the CITY do not anticipate any events in the foreseeable future that would necessitate maintenance, rehabilitation or replacement beyond the financial reach of any of the water providers in the TUSA. Each provider will continue to be responsible for providing the financial revenue stream through rates and charges and to accrue adequate reserves to meet foreseeable major maintenance needs.
- B. TVWD, TWD, CITY, and COUNTY agree to maintain and participate in the Cooperative Public Agencies of Washington County in order to efficiently share and exchange equipment and services.
- C. To the extent reasonable and practicable, TVWD, TWD and the CITY shall coordinate mandated (under Oregon law) underground utility locating services to efficiently provide service within the urban service areas.

- D. TVWD, TWD and CITY agree to provide to one another copies of as-builts of existing and new facilities and other types of water system maps for the purposes of facilitating planning, engineering and design of other utilities or structures that may connect, intersect or be built in proximity to CITY facilities. The CITY agrees to incorporate such mapping into its GIS mapping system of utilities and other facilities. TVWD, TWD and CITY agree to develop and maintain a common, on-going, up to date GIS mapping system showing facilities of each water provider within the TUSA.
3. Customer Service/Water Rates:
- A. Price of supply and bonded indebtedness will most likely have the greatest impact on rates.
- B. TVWD, TWD, and the CITY believe that rates are equitable within the TUSA.
- C. Given adequate water pressure, level and quality of service should not vary significantly among different water providers in the TUSA and does not appear to be an issue for most customers.
4. Withdrawal/Annexation/Merger:
- A. Notwithstanding Section I of this AGREEMENT - Roles and Responsibilities, or existing agreements between the providers, future annexations may lead to changes in service provision arrangements. Modifications to any service area boundary shall comply with METRO Code Chapter 3.09 and provisions identified under Section IV. If necessary, the Metro Boundary Appeals process shall be employed to resolve conflicts between parties as they arise. TVWD, TWD, and the CITY shall continue to work together to adjust boundaries as appropriate to improve the cost-effectiveness and efficiency of providing service.
- B. In the event that the entire service area of any DISTRICT is annexed in the future, that district shall be dissolved. No attempt shall be made to maintain the district by delaying annexation of a token portion of the district (e.g., the district office).
- C. The area of TVWD known as the Metzger service area shall remain in TVWD, except those portions agreed to by both TVWD and CITY that may be withdrawn from TVWD upon annexation to the CITY. In exchange, TVWD will support the CITY joining as a partner of the Joint Water Commission.
- D. Providers that propose a merger, major annexation or dissolution shall give all providers in the study area an opportunity to influence the decision as well as plan for the consequences. None of the parties waives its right to contest a major or minor boundary change by any of the other parties on the issue of the appropriate service provider for the area encompassed by the boundary change except when the party has expressly waived that right as to a described service area in an agreement executed subsequent to this agreement.

